Volume Forty-Six, Number Five, November 1968

Commentary

On the Steps of Low Library
Liberalism & the Revolution of the Young
by Diana Trilling

Czechoslovakia 1968 *George Lichtheim*
The Colony—A Story *Isaac Bashevis Singer*
Vietnam & the Law *Beverly Woodward*
Paganism, Religion & Modernity *Milton Himmelfarb*
Avant-Garde Theatrics *Jack Richardson*

Books in Review

Robert A. Nisbet *David Daiches* *Alexander M. Bickel*
Michael Harrington *Loyd D. Easton*

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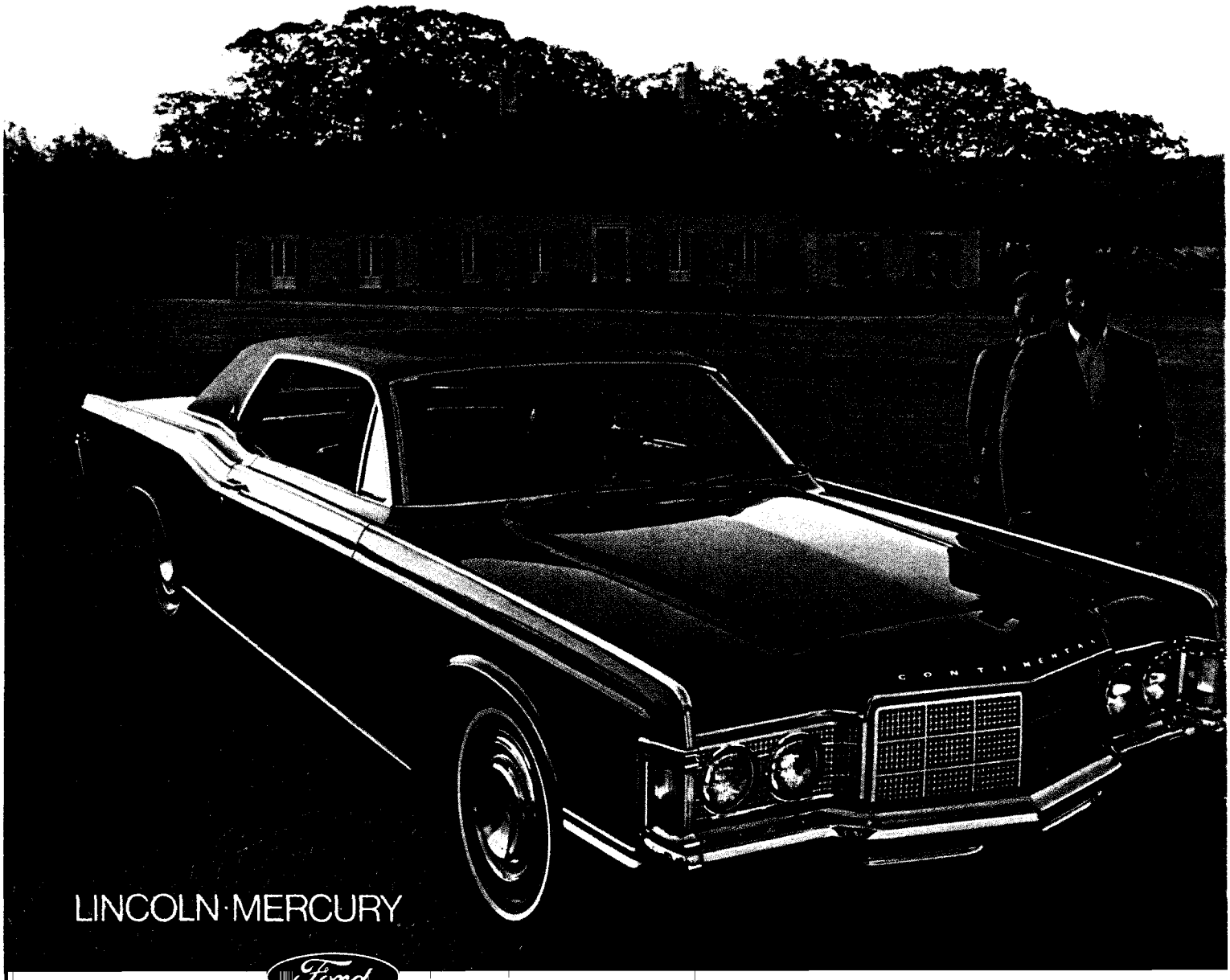

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Commentary

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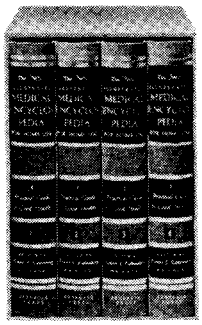

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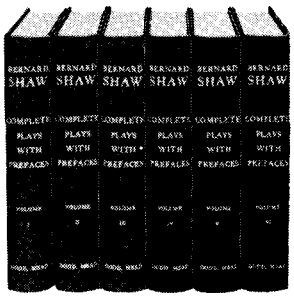

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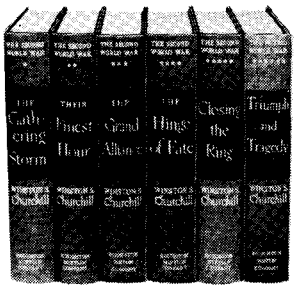

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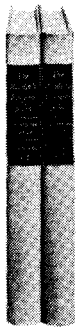

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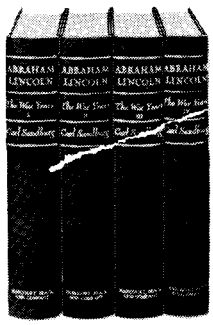

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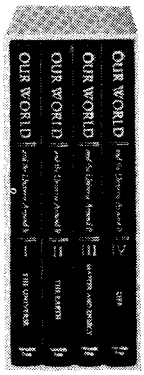

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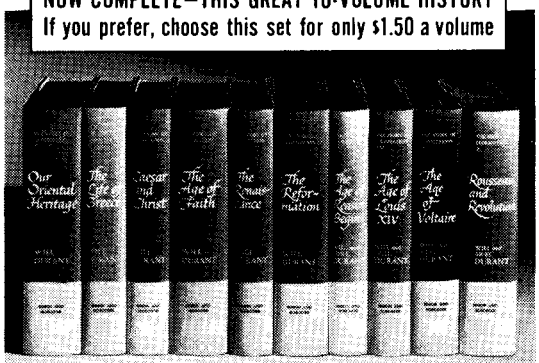

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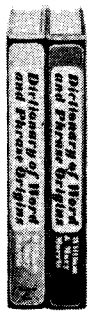

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Poverty, Sociology & Finks

TO THE EDITOR OF COMMENTARY:

Since Daniel P. Moynihan mentioned my name in "The Professors and the Poor" [August], I feel both a desire and a responsibility to make a few comments. In deploring what he feels to be a scarcity of insightful research *on* Negroes *by* Negroes, he lists four individuals whose work, he says, would, a generation ago, have been "turned to" both by "necessity and choice"—E. Franklin Frazier, Charles S. Johnson, Horace Cayton, and St. Clair Drake—plus ". . . others almost as distinguished." Frazier and Johnson are dead as are most of the "others" such as Ira De A. Reid, Abram Harris, and Lionel Florant. One living scholar has been omitted who is *more* "distinguished" than any of those named in the field of study under discussion, the black and white poor. I refer to Allison Davis, whose books were co-authored with John Dollard, Robert Havighurst, and Burleigh Gardner. I am led to wonder if co-authorship with white scholars may not work to the disadvantage of their Negro colleagues for either of two reasons: (a) a quite unconscious tendency for the white scholar's name to come readily to mind even when the Negro's name is in the position of senior author; and (b) lack of knowledge that a Negro is involved at all if he is not continuously "over-extended," to use Professor Moynihan's term. It would be ironic if Allison Davis's single-minded devotion to scholarship instead of "community action" is responsible for his absence from Professor Moynihan's "honor roll."

I am not prepared to agree that Negro social scientists are so "few and far between" as the author feels they are. In the first place, by omitting economists and political scientists some very productive and competent individuals are left out, such as Moynihan's former colleague in government service, cabinet member Robert Weaver, and the very perceptive young scholar, Charles Hamilton. He names six Negro social scientists whom he says are "those held in the greatest respect"—a social psychologist, a historian, a social anthropologist, and three sociologists, all "so overextended and in demand" that "they produce less than would otherwise be the case." On this appraisal of their productivity and the factors influencing it each will have to speak for himself; if one is going to talk about Negro scholars who are "held in the greatest respect," however, we are justified in asking, "Respect by whom?" The academic and political establishment only? What of Nathan Hare's *Black Anglo-Saxons*, William Grier and Price Cobbs's *Black Rage*, C. Eric Lincoln's *The Black Muslims*, or the work of Alvin Poussaint on black youth? And the fact that Stokeley Carmichael's name appears on *Black Power* along with Charles Hamilton's should not "put us off." In fact, Washington policy-makers might find the work of all of these much more significant for *their* purposes than that of some of us on the "honor roll."

However, what planners need today is not new "insightful" participant-observation studies of Negro communities which, Professor Moynihan suggests, only Negroes can do. (But what of Liebow's *Tally's Corner*?) They need careful *quantitative* studies of trends and regular, periodic, statistical studies of the attitudes and opinions in black communities that we all by now ought to *know* are there. *No major research outfit has ever seen fit to invest money and time in such studies until they are commissioned to do so on a "one-shot" basis after a riot.* And for this, Negro interviewers—not sociologists—are required, although justice and prudence would dictate some black representation in its design and execution.

I have the distinct impression, too, that Professor Moynihan feels that none of the previous research matters very much if it doesn't relate to his constantly reiterated hypothesis that so much "structural damage" has been done to Negro personalities and institutions that concentration on expanded job opportunities and improved neighborhood conditions may not be enough. I suspect that most Negro sociologists would feel that the test of this hypothesis is possible only by securing a more substantial measure of economic equality. If anybody wants to try to *design* re-

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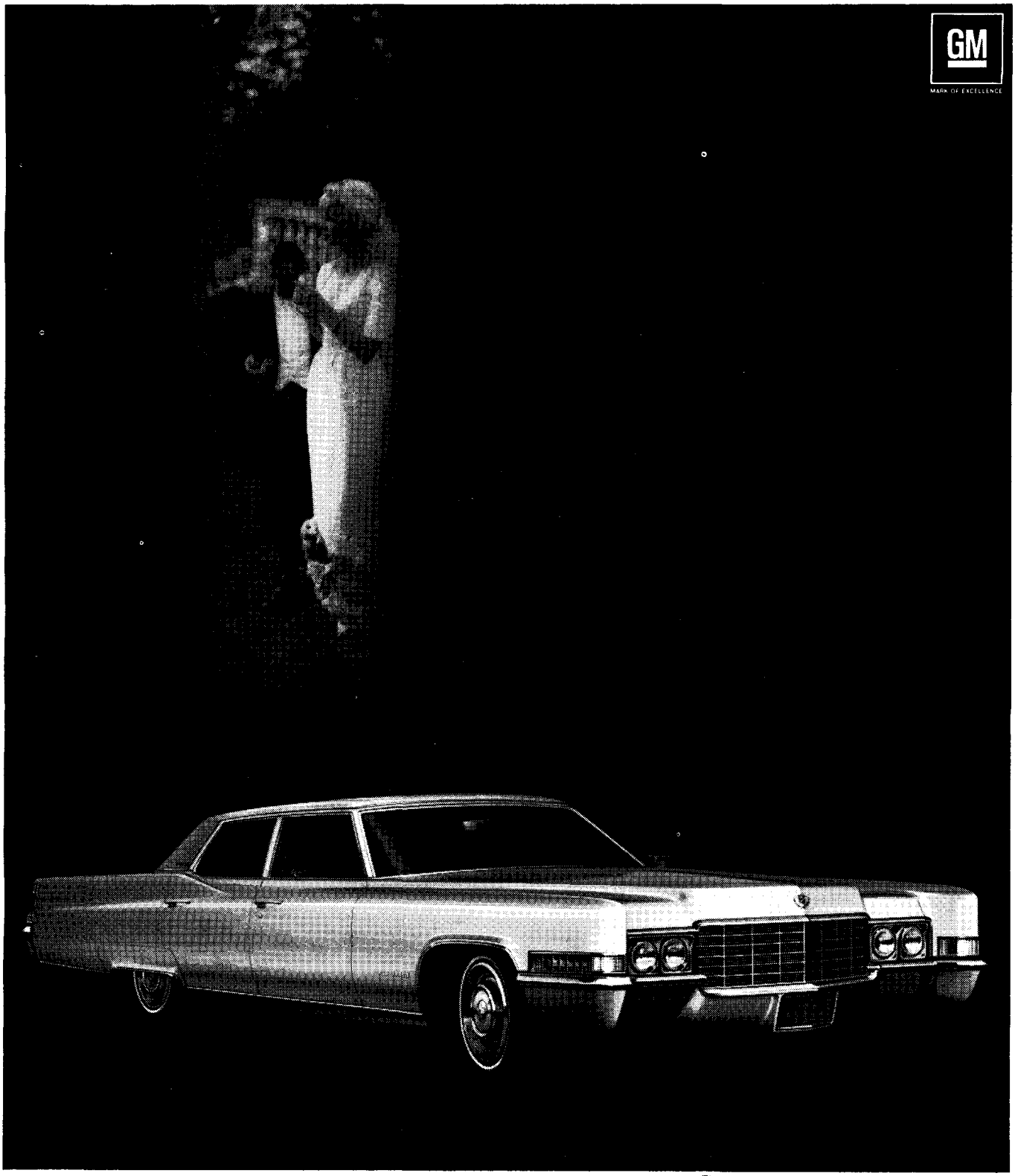

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search to test it, however, they are likely to say, "O.K. Go ahead, but we have more significant problems, as *we* see them, to engage *our* attention. And research on the most significant problem in American race relations—the analysis of white racism—we can't do. As Gunnar Myrdal pointed out a quarter of a centry ago, *that*, not the Negro is the problem."

The whole subject of the comparative productivity of Negro and white scholars writing about the Negro in the United States merits a full-scale, tell-it-as-it-is, COMMENTARY article. When Professor Moynihan writes that in the field of race relations over the past decade, "It may be that whites took over the subject," he is rushing in where both black and white scholars have preferred to walk warily. There may be other factors, too, including a shift in interest. Some black social scientists have, undoubtedly, wanted to get out of of the "race relations" bag, feeling no more obligation to study American Negroes than Jewish scholars do to study Jews. Some brilliant young Negroes have used the free-flowing foundation money to become experts on Africa during the past ten years, and have made major contributions. There may be more subtle influences operating, too, that take us beyond the area defined by "over-extension" and "community action."

The basic problem the article raises, of course, is that of what kind of information about the poor the policy-makers have needed and wanted, and whether it does or does not exist, and is or is not being provided, and not by whom. Professor Moynihan's own previous article in COMMENTARY ["The President and the Negro: The Moment Lost," February 1967], and the book he and Lee Rainwater wrote, suggest that the problem is not one of what professors say about the poor but why politicians and administrators "buy" one professor's views instead of another's. As to the present article, the crucial point may be that it is not what black social scientists have to say about "their" people (and middle-class ones may not have any more to offer than white scholars) but whether white people are willing to adjust their behavior creatively to what angry black agitators have done and will do.

ST. CLAIR DRAKE
Palo Alto, California

TO THE EDITOR OF COMMENTARY:

. . . I found Daniel P. Moynihan's article most interesting. It was a much more balanced, understanding, and less defensive analysis of the issue of poverty in the United States than is to be found in his earlier writings. His focus on jobs for adults is a welcome relief.

I remain a bit unhappy, however, that Moynihan still holds to his hypothesis that structural changes may have occurred among the Negro poor which render the usual opportunities (which really have never been made available to black people in the United States) powerless to assist them in overcoming poverty. But I am encouraged by the fact that this assertion is now more clearly stated as a hypothesis, rather than as a fact.

It may be true, as Moynihan has stated, that "we possess hardly two bits worth of . . . reliable information as to how changes in income affect individual styles of life." Emphasis should however be placed on *reliable*, because from our own everyday experience we do have information about what happens to affluent people who used to be poor. Pat Moynihan can reflect upon his own experience, as I can reflect upon mine, and many COMMENTARY readers upon theirs. We know that changes in our life style have occurred as our income has increased, and we know that changes in the life style of whites have occurred as the proportion of poor whites has been reduced to less than 15 per cent. I would expect similar changes in the life style of nonwhites to occur if the proportion of poor people in that population were reduced to less than 15 per cent.

The burden of proof as to whether irreversible structural changes have occurred is not on black people or poor people, but on white people and affluent people. To test this hypothesis, affluent and white people must repent of past deeds of oppression and racism now so that black people may have the opportunity to become affluent. The fine studies by economist Herman Miller of the U.S. Census Bureau demonstrate that black people always have been discriminated against economically in this country. Until the nation changes its racially discriminatory way of life, which has had disastrous economic consequences for Negro Americans, it is futile to hypothesize that Negroes will not change their way of life if provided with more eco-

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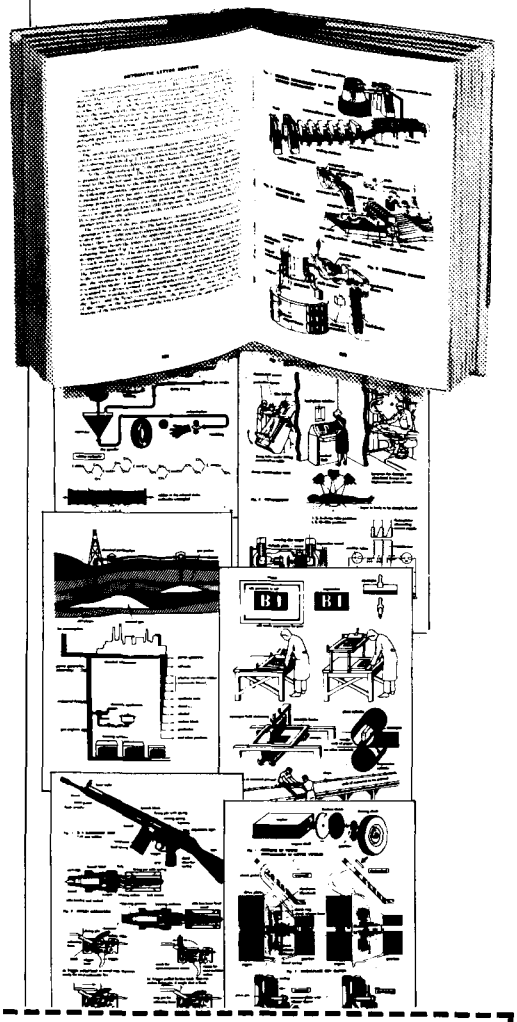

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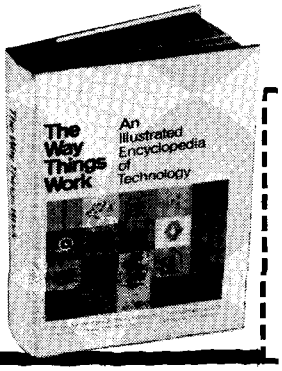

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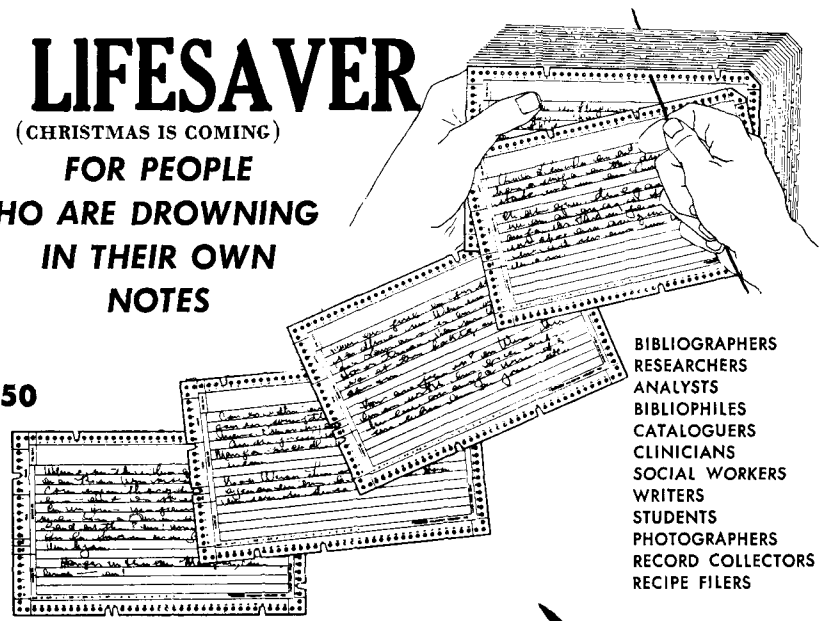

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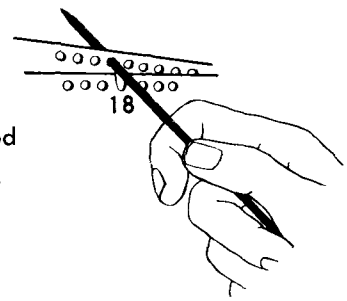

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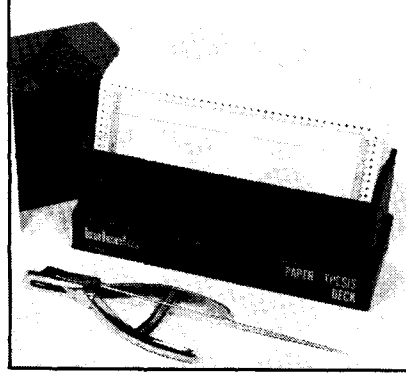

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nomic resources. My point is simple. If we don't end racism in America, Pat Moynihan's hypothesis cannot be tested! The assertion therefore may become its own self-fulfilling prophecy. That is why I am concerned when a significant and well-respected American like Pat Moynihan keeps repeating it.

Finally . . . I am encouraged by Moynihan's observation that one problem with the War on Poverty and its predecessor, the programs of the President's Committee on Juvenile Delinquency and Youth Crime, is that they were formulated and designed largely by whites. The Japanese play, *Rashomon*, teaches us that few people intentionally cater to falsehood but rather that each person's version of truth is conditioned by his own station in life, his image of himself, his past experiences, and his aspirations for the future. Yet Pat Moynihan perpetuates the very error which he so astutely observed. Most, if not all, of his references in the article are from the writings of white social scientists.

It is true, as Moynihan has stated, that several of our Negro social scientists have overextended themselves due to the current revolutions through which the nation is passing, but it is a misstatement to imply that they are not writing. I am sending Moynihan a copy of my own bibliography and I am sure several other Negro social scientists would offer to do the same. However, it could be that Negro authors are not being published in monthly magazines like COMMENTARY which means that their ideas, though written, are not read. . . .

CHARLES V. WILLIE
Department of Sociology
Syracuse University
Syracuse, New York

TO THE EDITOR OF COMMENTARY:

As an intellectual and itinerant professor, let me remind Pat Moynihan of my own experience with OEO. I went to them half a dozen times, sometimes as a friendly volunteer, sometimes invited, and was uniformly treated like something the cat dragged in. Of course, my suggestions tend to be simple-minded and painfully relevant; but I recall once when the whole Institute for Policy Studies went over one of the OEO bills (the Job Camps) and showed that not a comma was correct. It was adopted with not a comma changed. I doubt that real intellectuals had anything

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to do with the Poverty Program, nor with much else during the Kennedy and Johnson administrations. Lot of finks.

The intellectual issue is not where Moynihan puts it, whether the poor do not have money or cannot adjust for other reasons; it is whether the dominant system of society is good enough, whether politically and morally it can and should be adjusted to. Jobs don't help if the GNP is useless or worse. This is the classical question of the intelligentsia in any pre-revolutionary period. We social critics, latter-day *philosophes*, have been asking it for twenty years. The black philosophers keep asking it. The dissident young ask it. It's certainly not newsy to Pat Moynihan, but he does not ask it. The social engineers of OEO have not wanted to ask it.

PAUL GOODMAN
North Stratford, New Hampshire

MR. MOYNIHAN writes:

I fully accept Professor Drake's gentle rebuke for having omitted the name of Allison Davis. It happens I am just finishing a book that draws as much on him as on any one American sociologist: it may be he seemed too much a contemporary to locate in the misty past of the 1930's. As I am sure Professor Drake knows, my short list was meant only to be illustrative.

I will however stick to my judgment that Negro social scientists are in short supply, and relatively more so than a generation back. (Or were the 1930's two generations ago: I fear we must begin to think in those terms.) I would ask him, for example, whether the proposals of the Black Caucus presented to the recent meeting of the American Sociological Association were a manifestation of strength or of weakness? Imagine E. Franklin Frazier, who was president of the Association in 1948, asking in effect for special consideration for publication of papers in the ASA journal.

I am of course fully aware of the sometimes torrential outpouring of the pen of my friend Charles V. Willie. We expect a big book from him one day.

But what *I* want to know from Paul Goodman is this. Where did the term "fink" come from? It is not to be found in *Webster's Second New International Dictionary*. The *Third* records it, but with

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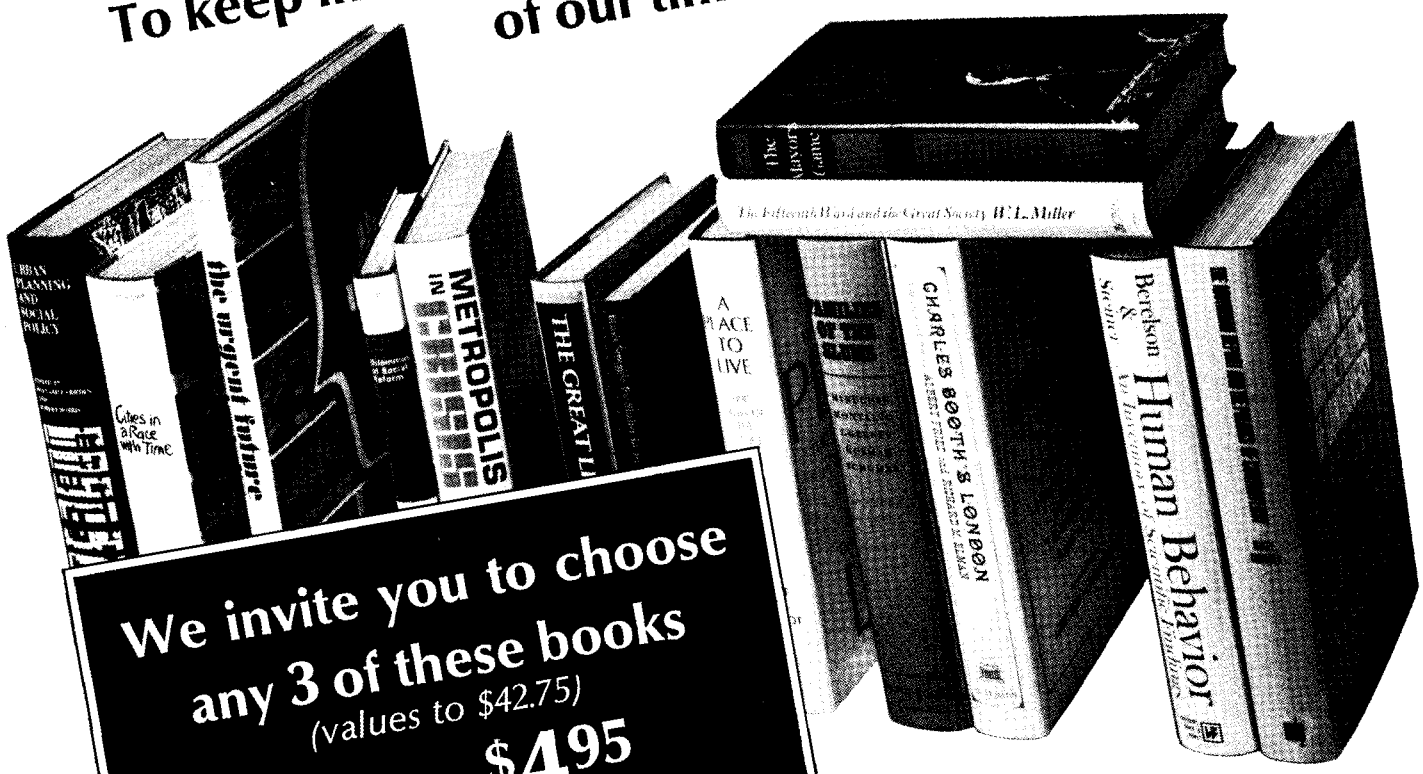
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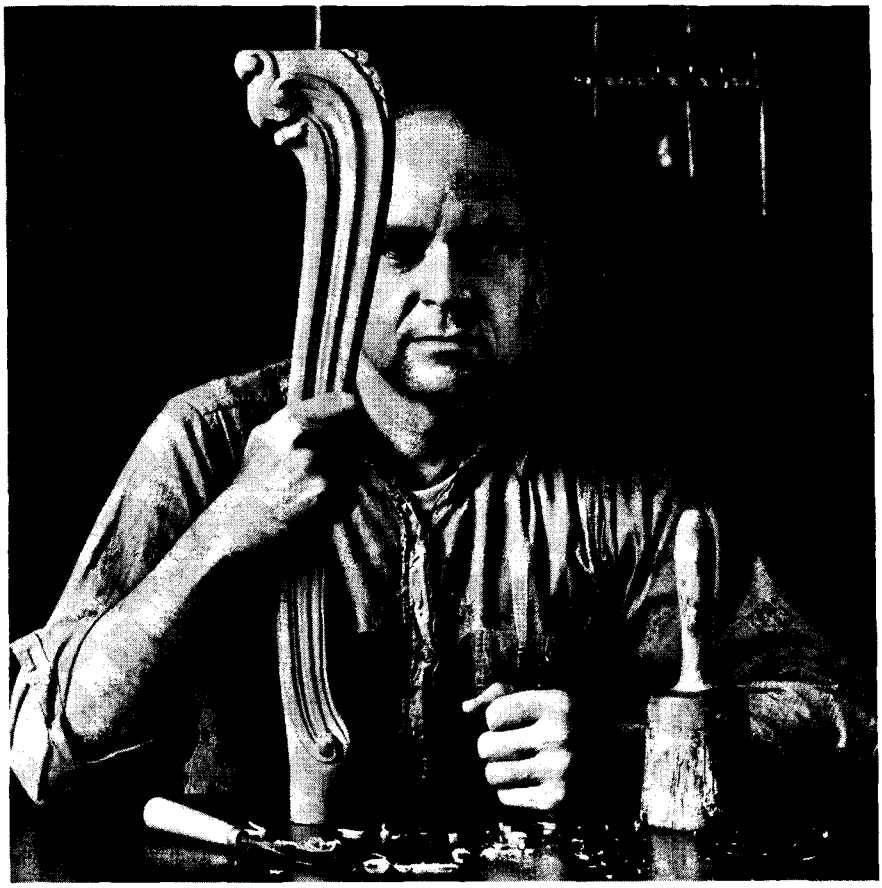

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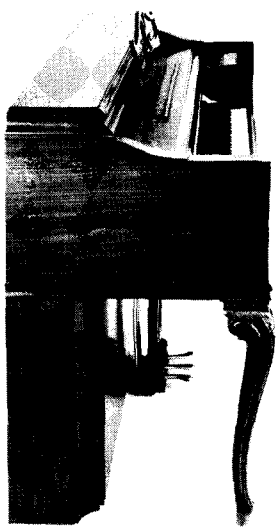

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the unusual notation "origin unknown." The *Dictionary of American Slang* suggests it may have derived from "Pinkerton." Fink is German for finch, is it not? Now I have had frequent occasion from a window in an upstate New York farmhouse to observe finches on the elderberry bushes. I can report there is nothing finkish in their conduct. Has Mike Fink of frontier days something to do with all this? Yet I have associated the term with New York Jewish trade unionism. Jason Epstein has suggested the possibility of some hapless blackleg named Moe Fink having given rise to it all. If not, what? Or whom?

Against the unlikely eventuality that Goodman will fink out, may I appeal to the readers of COMMENTARY. For near on to a decade now I have sought to enlighten them in these pages. I have received (present correspondents excepted) little but abuse in return. May I not on this occasion ask for enlightenment as well? Are there, for example, descendants of M. Fink who would like to clear the family name?

Crisis Politics

TO THE EDITOR OF COMMENTARY:

I am pleased with your continuing attention to radicalism in America and your latest installment, Nathan Glazer's "The New Left and Its Limits" [July]. However, I think there are limits to discussion of the ideas propounded by radical critics of American society and I think with Glazer's piece you have about reached them. After all. . . . one can argue just so long with people who define the world and the terms of the argument itself.

What would seem more interesting would be pieces that attend to what Glazer said he would *not* explain: "the psychological or temperamental grounds" of the radical mood or outlook. . . .

Speculative social analysis might not be as solid or acceptable to traditionalists but it would be more fun and the sort of thing persons like myself would enjoy reading. The ideas of radicals, young or old, are the least interesting things about them; the clichés of anti-bourgeois thought, the varieties of Marxism, nihilism and other -isms are still clichés. What is fascinating it to see or hear them from real, live people and wonder where in the world they got them and why they mouthe them, especially when you know their parents. . . .

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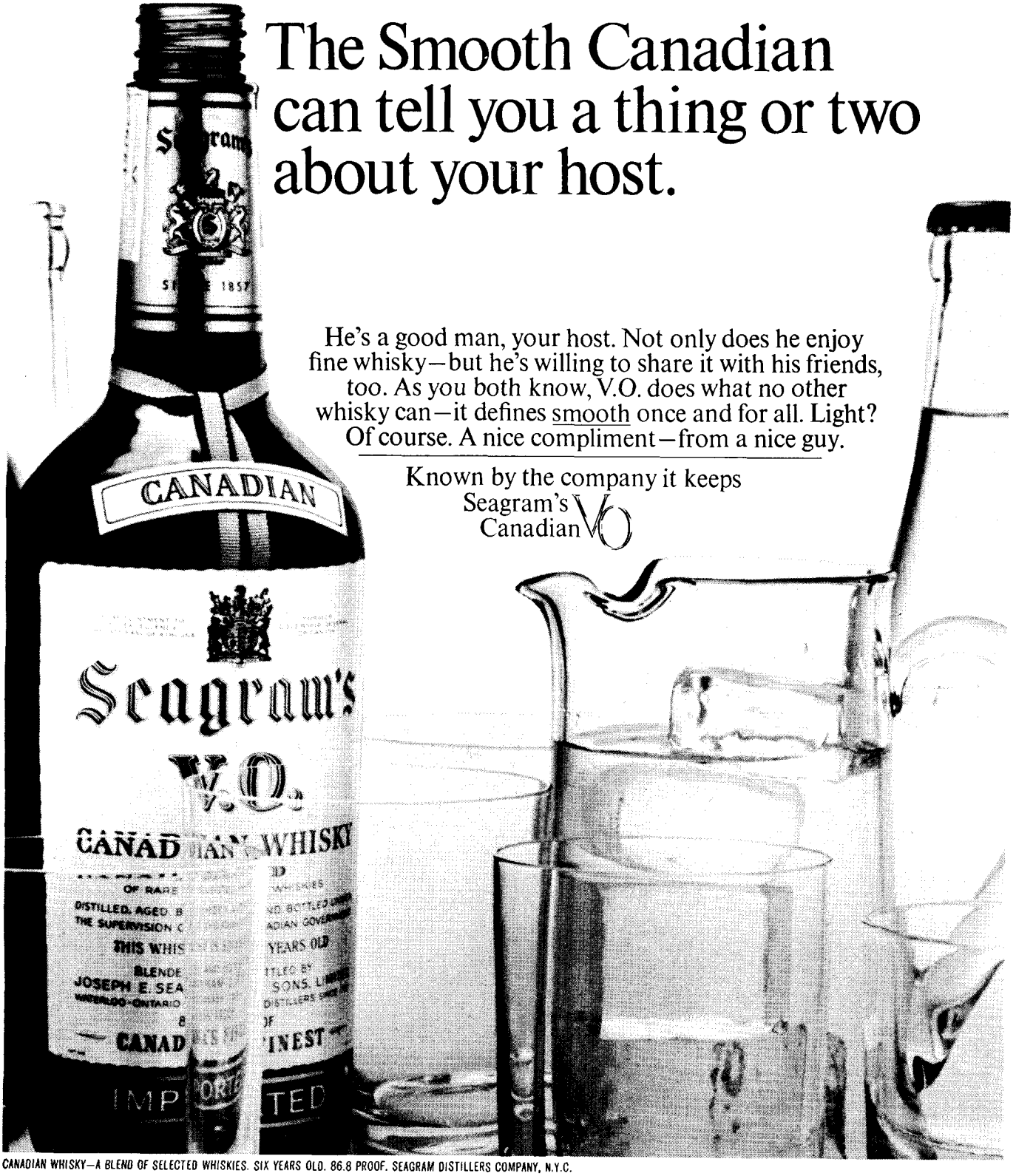

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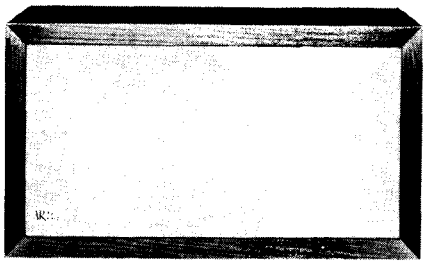

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Perhaps you might also attend to another phenomenon that is puzzling and intriguing. My friends with a great deal of money who are WASPs and have no experience with the poor or with poverty hold a passionate belief in "social justice" and "confrontation between black and white" that is frightening in its intensity and ignorance; one of their fondest beliefs is that John Lindsay really is right about America's becoming polarized into two hostile races. I have noticed also that among such people there is a well developed abomination of the middle class. Is the phenomenon of the WASP mayor in sympathy with the black militant and hippie as peculiar as it seems? Perhaps I am beginning to see too many anti-middle class ghosts, but I still wonder why the mayor and the leaders of "coalitions" and creators of "innovative" solutions never seem to urge the closing of federal tax loopholes and the raising of capital-gains tax rates to provide the money for the poor that they are searching for. . . .

As an old-fashioned, square, ADA-type liberal who still thinks there is a vital center, I am puzzled and increasingly upset by the pervasiveness of the radical discontent and ideological motif that seems to becloud discussions of public affairs; we are not asking the right questions, let alone progressing toward the resolution of conflict. I notice such colleagues in thought as Irving Kristol and John Gardner are also beginning to show signs of worry. For a while, Kristol was at pains to discount the "crisis" that the radicals said was infecting every aspect of American life; now he is seeing a crisis in the pervasiveness of the belief in crisis. Gardner has fears also: how long can we make reasoned progress if so many supposedly informed and enlightened people are apparently willing to believe such nonsense and if the mass media continue to amplify it?

Let there be enough half-baked TV visits to decaying slums and interviews with witless, self-appointed "leaders" and whatever efforts you or I might make in the search for responsible advance will be that much harder. . . .

In short, has not the time come for abandoning the mild skepticism and tsk-tsk attitude of the Glazer piece, and taking a harder line?

JEROME ZUKOSKY

New York City

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Israel & the Arabs

[*J. L Talmon is replying to a letter on his article, "Israel Among the Nations" (June), that appeared in our October number*—ED.]

MR. TALMON writes:

The historian's task is "to sense the upheavals to come." Does Mr. Ivianski mean that Dubnow should have foreseen Auschwitz? But no one could have foreseen such a catastrophe, not even a historian inclined to attach great importance to the element of catastrophe in Jewish history. . . . I spoke also in my article of the "seemingly preordained tendency . . . of 20th-century anti-Semitism to run out its full murderous course on a global scale," and insisted on the lesson that "a strong diaspora is the only safe ally of Israel, while a proud Israel is the greatest source of inspiration to the diaspora."

I have no quarrel with Mr. Ivianski on the subject of the kibbutz as a school of character and leadership. He gives little ground for hope that the kibbutz is on the eve of a process of expansion or new development in depth. I myself am praying for that to happen.

Mr. Ivianski becomes tantalizingly vague in the last part of his letter about "the roots of our conflict with the Arabs" and "the steps necessary to define (?) it." He is all for coexistence. But he does not really tell us what kind of coexistence he has in mind—together in one and the same state, that is to say in an enlarged Israel, or as two separate nation-states. I hold the view that the former solution is neither feasible nor desirable. In this modern world of rampant nationalism it is just not possible to digest a large, militantly nationalist and culturally very different minority. One does not have to go as far or near as Cyprus or Algeria; it is enough to cite such highly civilized and prosperous states as Belgium and Canada. Only an incurable romantic or doctrinaire can avert his eyes from these facts, as well as from the lower birth rate among the Jews and the absence of appreciable *aliya*.

Mr. Ivianski appears to wish to isolate the Arab population of the new territories of Israel from the rest of the Arab world, in the hope of winning them over. As a student of nationalism Mr. Ivianski must know that one has no choice but to take nationalism as it is, and it is little use trying to fashion it to suit the interests of other parties, especially those re-

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Marie Syrkin was born in Switzerland but has spent most of her adult life in the United States. Editor of Jewish Frontier and Head, Information Department, Jewish Agency—American Section, she is also author of Your School, Your Children (1944), Blessed Is the Match (1947), and Golda Meir (1963) in addition to numerous magazine articles. She is emeritus professor of English, Brandeis University.

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garded as antagonistic. Zionists are adamant on *k'lal Israel* as the overriding principle; so unfortunately are the Arabs on *k'lal-Ishmael.* One often hears moderate Arabs saying that they would come to terms with an Israel which had given up its special relationship with world Jewry, but not with a "Zionist" Israel. Mr. Ivianski wants to be nice to the Arabs, as indeed all well-intentioned Zionists, especially of the Left, have been anxious to be for decades. Such an attitude is, however, resented by the Arabs as condescending and hypocritical, because when it comes to the crunch, even the Leftists are prepared to use force and do so. In brief, the only form of coexistence which holds out any promise is that between separate states. To make my own position unmistakably clear: I am for returning the West Bank, except for Jerusalem and with some minor territorial modifications, to Jordan. An Arab statelet set as an Israeli protectorate will not only not solve the problem of Israel's security, but will aggravate it. . . .

Anarchists & Gentlemen

[*George Woodcock is replying to a letter on his article, "Anarchism Revisited" (August), that appeared in our October number*—ED.]

MR. WOODCOCK writes:

Max Nomad's comment on my article is a fine example of a variant on the *argumentum ad hominem* which he has used freely in his books. The formula is: create, by innuendo and exaggeration, a laughable portrait of your adversary, after which it is completely unnecessary to discuss his ideas with any seriousness; they fall with the man.

In my own case he declares that my anarchism is "probably" the reaction of a "conscience-stricken gentleman," and, having lodged in the minds of readers the image of a playboy of politics, he discreetly drops the cautious word "probably" and goes on to talk of my arguments as an "anarchism-for-gentlemen." Such treatment is all very well for the dead who cannot answer, but not so clever when applied to the living who can. While I find it rather distasteful to enter into the mood of schoolboy rivalry in which Nomad pits his record against mine, I do feel it is perhaps appropriate to remark that by all the criteria he uses it is Nomad who was the gentleman-anarchist. His father was a doctor, and he studied law at the university. I came from mingled proletarian and decayed yeoman stock, and my family was so poor that it was impossible for me to go to university even on a scholarship; I had to work in my teens to help feed the household, and it was the humiliations of poverty experienced at the age of sixteen or seventeen, not the "beauty of the anarchist idea," that first turned me toward radicalism. I too am a declassé; while Nomad moved downward, as he appears to think, into the radical intelligentsia, I moved upward to the same destination by self-education. As for manual work—if muscle-flexing is to be part of the argument—I still occasionally use some of the skills I acquired when I worked for my living as a carpenter, a plasterer's mate, a ditch-digger, etc. All very silly, of course, but this is the kind of argument into which people who argue as Nomad does at times force their opponents.

It will be noticed that Nomad continues in the same vein. He accuses me of showing a special predilection for Proudhon—though in fact I spent more space on Kropotkin—and then, by dragging some obscure passages out of Proudhon's massive writings, proceeds to construct a bogey who is far removed from the real man. Proudhon said some stupid and unforgivable things, usually once, and in a fit of anger; his remark about the Jews was made in the privacy of his diary at a time when Marx had enraged him by gratuitous insults and when he suspected Heine (unjustly as it turned out) of being a *mouchard,* and it was the outburst of an angry man brought up in the French working-class prejudices of his time, but it had no bearing on the constructive aspects of his thought and work, which inspired both the Communards and the early founders of the International. There is of course no way in which such a remark can be excused, but if we were all to be judged by the statements we have made in moments of passion, we would all stand condemned, and I am sure Mr. Nomad would be among us. Justice, even in biography, must be represented as holding a balance in which men's positive acts and thoughts are weighed against the negative. That is the only way in which we can find men like Dostoevsky, for example, endurable. Mr. Nomad's method of luridly

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highlighting the bad and forgetting the good may be shocking, or entertaining, according to one's predilections, but it hardly makes for objective or honest history.

However, it does make a good smoke screen. It enables Mr. Nomad to spend several hundred words expounding, as if this were something I had missed, his views on the failure of the historic anarchist movement. If Mr. Nomad had *read* my piece, he would have found that this failure is precisely what I am demonstrating, and that I show that the failure took place precisely because—as he argues—anarchist methods and organization were at variance with anarchist ideas. In fact, all his argument is already present in a single sentence of mine: "The anarchists of the past were too much inclined, despite their fervent anti-Marxism, to accept the stereotypes of 19th-century left-wing thinking; the idea of the class struggle as a dominant and constructive force in society, the romantic cult of insurrectionism and terror, and even—though this they rarely admitted—a vision of proletarian dictatorship, particularly among the anarcho-syndicalists who envisaged a society run by monolithic workers' unions."

The main arguments of my essay Nomad dismisses with his facile sneer about an "anarchism-for-gentlemen." But I make it quite clear that I am not in fact advocating anything that orthodox anarchists would recognize, and I say quite clearly that: "The anarchists . . . will never create their own world; the free society of which they have dreamed is as pleasant and as remote a myth as the idyllic libertarian society William Morris portrayed in *News from Nowhere*." What I did try to do was to show why certain ideas put forward by anarchist thinkers, particularly on decentralization and grass-roots organization, inevitably appeal to the young of today. I also set out to show how the negativeness of much traditional anarchist talk and practice obscured the presence of constructive ideas which are worth reconsidering in an age dominated by what Nomad calls "a system headed by an office-holding and managerial elite." That system is not a fatal condition of mankind; it is already showing strains that are making great social changes inevitable, and at such times we cannot afford to leave any constructive suggestion unexamined. Young radicals are turning toward libertarian ideas, and the kind who wave black flags in Paris are the least important of them, the least numerous, and the most infected by outdated Bakunin-ish romanticism. It is the distrust of authoritarian structures, the attempt to create responsible involvement by people in their own affairs at every level, that are the important elements from anarchism widely taken over by the youth movements of today. But these are things Mr. Nomad ignores, and altogether one senses in his letter a peculiar insensitivity to the vibrations of the present. The time for denigration and debunking, the fashions when Nomad was at his prime as a writer, is over. We all know that men are imperfect and inconsistent, that causes fail, that ideals are never completely translated into reality, that every private mind harbors its monstrosity like a pet in a kennel; we no longer find such facts amusing. Having learned as much, it is time to use our understanding in order to see what can be done by man as he is, and to take good ideas wherever we find them.

Ladies' Auxiliary

To the Editor of Commentary:

Lucy S. Dawidowicz's scoffing at Reform Jewish services in general and her downgrading of Reform Jewish women in particular ["On Being a Woman in Shul," July] . . . is based on sheer ignorance and scarcely deserves a temperate reply. . . . These women are intelligent, dedicated members of a community within a community. Many of them are the products of our colleges and universities. They are not inclined to take refuge in self abasement or to take pride in ignorance. . . . They have more vital things to do than to revel in watching (with jealousy, yet!) the hysterical male "dancing and singing, shouting and stamping [his] feet," when the scrolls are paraded.

These women of the Reform temples are respected community leaders; . . . the workers who make certain that the schools are staffed with teachers who can teach; the directors of essential social services and welfare programs aimed at improving living conditions in their neighborhoods. . . .

One could go on and on, pointing out the vital contributions made by Reform Jewish women: their accomplishments in facilitating the orientation of newly arrived immigrants; in bringing into being the present family court system and court reforms; in establishing easier and more equitable voting procedures and a hundred other innovations in good government. . . .

Mrs. Dawidowicz makes no attempt, because of her "sweet and sour" nostalgia for another kind of life and era—which time and events have left far behind—to give relevance to the conditions and crises confronting us in every city and suburb. We would be in a state of hopeless lethargy if all of our women adopted her philosophy of life. . . .

Sidney L. Fisher
New York City

Careen vs. Career

To the Editor of Commentary:

I have no desire to join in the instructive controversy between Father Dahood and Mr. Himmelfarb [September], but I should like to express my surprise that in an argument that is primarily about language Father Dahood should use (and Mr. Himmelfarb should quote without protest) the word "careen" in the sense of "rush along at full speed"—that is, confusing it with "career." "Careen" means to turn a ship on its side for the purpose of caulking or cleaning; it can also be used of a ship lying over in a wind. The confusion of "careen" with "career" is increasing in vulgar American usage; but it is strange to find it in an article by a distinguished scholar of language.

David Daiches
Sussex, England

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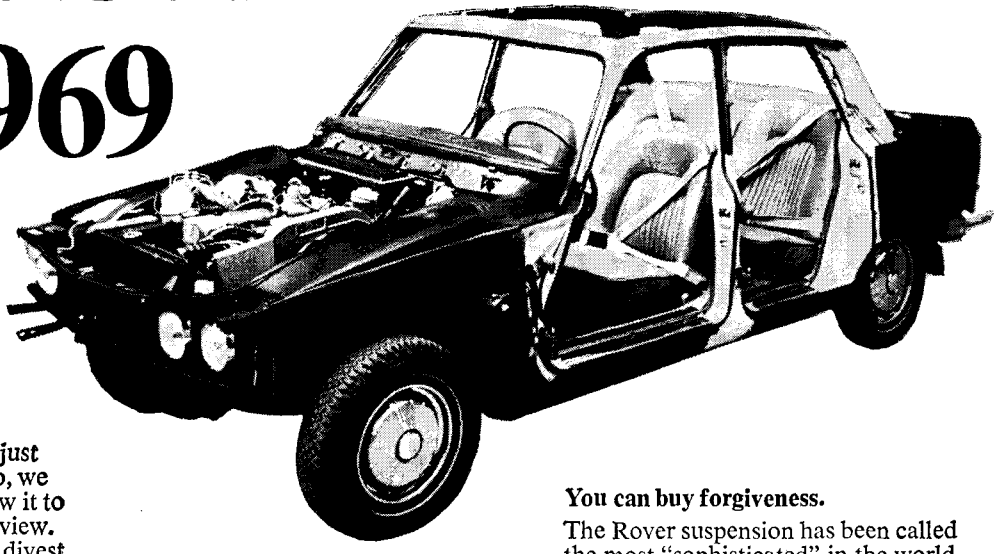

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Theater

Avant-Garde Theatrics

Jack Richardson

If one thinks historically about the theater, it is easy to see its conventions as reflections of the various ages through which it has passed. The Athenians, for example, showed their theater to be an extension of the strong sense of community they had evolved, by attending their plays as if they were at a legislative meeting. It was a state ritual and, arranged in curved tiers, the citizens stared down at tragic admonitions and comic harangues with the sense that half was pageant and half parliament. It was very clearly they, the audience as a group joined by common custom and past, who were the subject of the action before them.

Similarly, the restiveness of the Elizabethan Age—its individualism, imagination, and perhaps above all, its love of good talk—shows up clearly in the way it went to its plays. This was an audience of personalities who used the pit and galleries for everything from a meeting place for assignations to a platform from which the actors could be debated. Whatever else a trip to Shakespeare's theater was, it was not a solemn occasion. There was, to be sure, a community there, but it was the community of the marketplace rather than of the assembly, and bringing all those disparate spirits together, getting, in the most basic sense, their attention, was the job of a theatrical style that had mayhem and murder as its core. It seems that only the extremes and frenzies of existence could fashion something cohesive out of the Lords and groundlings at The Globe—or at least make them shut up long enough so that they might realize that something marvelous was being said.

Gradually, of course, the audience grew more manageable until Voltaire, a playwright who needed all the quiet and concentration that he could get, banished it from the stage proper and established symbolically that aesthetic schism by which spectators and performers behave as though each is unaware of what the other is doing. This was not a simple shift of convention but a very deep alteration in the way one was to experience the theater. The audience was no longer to be wrestled with or brought to a sense of communal self-judgment. Passive, sitting in darkness, silent with expectancy, it now was a collection of random voyeurs who could offer nothing to the drama but the most primitive responses. Through the 19th century it swooned, wept, and ogled at the great stars in five-act romances and melodramas tailored to egomaniacal proportions. The whole social situation of the theater was now something quite unreal, something that demanded greater and greater fantasy in order to sustain its unreality. Occasionally, there would be an atavistic hoot from the gallery to unsettle the mood but, for the most part, the audience yielded its right to a persona of its own for the luxury of being flabbergasted by thirty sets and an astounding profile. Even when naturalism appeared and demanded that at least the most blatant part of the fantasy come to an end, it could not break down the separatist tradition. Wanting to thrust its truths at the heart, it contented itself with the peep-show methods of melodrama, and considered the audience still as something repressed and muted, something that could be easily bustled into a sob or laughter by the raw chunks of life thrown at it.

If I seem hard on this, the Victorian tradition of theater-going which is still with us, it is not that I don't realize that many fine playwrights have worked within it and, what is more miraculous, many good plays and productions have come out of it. But I am also aware that if one sits down and thinks rationally about our customs in the theater and the manner of presentation that goes with them, one cannot help but be somewhat embarrassed by their absurdity. This gathering of cultural strangers; this docile acceptance of rules for the imagination which demand that an actor seen forty times previously be granted the right to huff about in front of us deep in his new "character" (in direct contradiction of the fact that he was immediately recognized and applauded when he made his first entrance); this obligatory adoption of the ethics of invisibility which demands that we may not walk out to skip a boring part or call for something particularly fine or complex to be repeated; this tightly-planned emotional schedule with flamboyant scenes carefully spaced so that we may make some approving sound to prove that we are, indeed, after all out there, somewhere, and are at approximately the emotional point worked out for us—can this be an art form for any but idiots who will surrender not only their senses to the artist but their sense as well?

Most of us have been just such idiots and will remain so. What seems ludicrous and impossible on reflection, appears in practice ineluctably natural. With all its intolerant demands and weaknesses, tradition does offer us an easy access to the occasional states of mind we need for the intense experience of life, and this tradition of theater has had, as I said, its successes. I have been abusing it only so that it not seem so formidable, so that it not seem a necessary condition for a notion of theater. I am doing this because there is an attitude current at the moment—it is by no means so organized as to be called a movement—which is heading away from this species of theater toward something which, in the language of our times, might be termed a theater of confrontation, and while I am excited by its goals, I can see that it will need all the help it can get.

This new direction, which has been germinating in cafés and in church and loft productions off off Broadway during the last few years, has both the Theater of the Absurd and the Happening as its aesthetic antecedents. However, what is uniquely its own is its style: the style of performing not *for* an

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audience but *at* it. By this I do not mean that the spectators are simply acknowledged for a preachment or two, or that they are occasionally invaded by the action of the play, or even that, as in *Tom Paine,* they are asked to participate in an informal dialogue with the actors on current events. These are crude and simplistic devices which, at this stage of the new style's evolution, are heavy-footed embarrassments for everyone. What I am speaking about—and for the purposes of this review I am using as models *Futz, Hair,* and *Tom Paine,* all directed by Tom O'Horgan—is the fierce consciousness in all of these productions that every gesture and movement is indeed being watched and that the purpose of performance is to make that observation a self-conscious one. This is to deny the individual in the audience his private crescendos of understanding and feeling, even to mock them if they should occur; it is to comment on the play's action with body positions that thrust the physicality of the actors uncomfortably upon one; it is to perform not as one drowning in character involvement but as one aware that character is a weapon that can be used; it is, finally, to keep the actors as well as the audience out of their emotional petticoats and to force them to encounter each other naked.

NOW, WRITING ABOUT the theater can do strange things to one, the least of which is to see mirages of great significance where there is in fact only a small water-hole of promise. The plays that Tom O'Horgan has directed by no means blister the soul, and for all his feral ingenuity at physical movement and his actors' lack of restraint, there are long stretches of time when the proceedings seem like a children's party where everyone is frantically being bad in order that some attention be paid him. But it can nevertheless be said that these works often did startle, did make one disquietingly apperceptive, and did make of the theater something more than a two-hour hiatus from social abrasions. It must also be considered that our theater gives little of its resources to the experimenter, and, even if it did, it is apparent that what O'Horgan is striving for cannot be fully realized within the designs of stages that have been created for the very tradition he is working against. All three of his plays were put on in theaters planned with the disjunction of performer and audience as an architectural principle, a principle which makes the engulfment of the viewer literally impossible. Until this almost axiomatic arrangement of the watcher and watched is broken down as much as possible—say, by scattered clusters of seats within a theater that is all stage—the attack method of O'Horgan will always seem uncertain and out of its true environment. Comfortable habits are not easily shed, and no amount of confrontation will make an audience a creative force in the theater until its individuals are exposed without the safe retreat back into anonymity that the usual seating arrangement affords. And, too, if this method is ever to be anything but a dramatic curio, the spectator must be allowed his attack too. He must be more than the conditioned response the theater has made of him, even if that response is now to be a contextual one. He, too, must have his action, and the production must be conceived so as to ingest that action without turning into a shambles. If he does not, if he is treated only as a prop, then one has not a confrontation but rather an awkward encounter that will produce little but feelings of superiority on both sides.

Finally, one must come to the plays themselves. Whatever they will be, they cannot be so hermetically sealed as they have been in the past. *Futz* and *Tom Paine,* for example, both use the narrative voice for much of the time, and this allows the company to act out in movement what is being recounted. It is one way of setting up action as something meant to be both observed and depicted, a way which fits in well with O'Horgan's intentions; but one hopes that something more salutary to the poetics of the theater can be joined to the new method. *Futz,* which, so help me, manages to make a sentimental, moral tale out of the love of a man for his pig and his neighbors' hostility to this peculiarity, runs amuck in a lot of Ozark fustian until it can truly be said that the language gets in the way of the play itself. And *Tom Paine,* which does well enough when it sticks to the words of its protagonist, dribbles away when its author takes to what I would call the language of caricature in dealing with history. *Hair,* which uses the extended lyric form of popular music for eighty per cent of the production, does less with it than some of the better writers in this style, and makes no attempt at anything that might be considered a coherent dramatic language.

In short, what I sensed in watching O'Horgan's work was a style in search of a language that would not be overpowered by it, that could make its own confrontation. Indeed, it would have to be a language of such force as to become, in its individuality, color, and rhythm, part of the actor's very imagination so that, when he had to, he could use it creatively. This, of course, presupposes actors with much greater literary sympathy than we have at present. Indeed, it presupposes the ultimate ensemble theater of actor-writer.

I BEGAN BY saying that one can tell a great deal about a period of history by the way it attended the theater. Conversely, one can tell a great deal about the theater by the way its conventions meet those of its era. In its great moments there has always been a connection; in its fallow periods there has been little. We are at a moment when it seems to me that the entire notion of the theater experience could stand alteration before it becomes so completely alien to all that is vital in the world about it that it lapses irrevocably into the hands of antiquarians. There is no way of telling if the glimpses of excitement I caught in these plays betoken an idea strong enough to grow into a way of presenting to us our time and ourselves in it. But it did show, or at least it occasioned one to imagine, how the theater might be encountered as a mad relative or a quarrelsome lover, as something almost as dangerous and personal as a walk into one's own living room. It did show, too, that we can at least think of a theater divested of its grand airs, a theater which we can talk to again.

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On the Steps of Low Library

Liberalism & the Revolution of the Young

Diana Trilling

It is by conscious design that I borrow the title of Norman Mailer's famous report of the march on the Pentagon of October 1967 for a report of the disturbances at Columbia University in the spring of 1968—the two events, Mailer's and the University's, were continuous with each other in political and moral style. But it could only have been by a special conjunction of the stars that I selected the morning of April 23, the day that the uprising began at Columbia, to read *The Armies of the Night*, the volume in which Mailer brings together "On the Steps of the Pentagon," his History as a Novel, as he calls it, and "The Battle of the Pentagon," his Novel as History, which completes his account of the Washington demonstration. Although I had read the first and longer section of the book on its original magazine appearance some months earlier, I had been so blinded by the brilliant literary energies Mailer mobilizes for a job that in other hands would at best have been no better than superior journalism that I knew I would have to return to it at some later date. It was obvious that the report was an essential text of contemporary left-wing politics. But on a single reading it was impossible to separate its political content from its coruscating display of language, wit, perception, its public and private discernments—this exercise in cool judiciousness would have to wait until I was less bedazzled. The day I had consecrated to *The Armies of the Night* promised to be undisturbed; the air held no portents. But by afternoon my telephone was jangling with news of the seizure of Columbia's Hamilton Hall, the building which houses most of the offices and classrooms of the undergraduate college, by white student members of the Students for a Democratic Society (SDS) and black student members of the Students' Afro-American Society (SAS) and of the imprisonment of Acting Dean Coleman of the College. And in the course of the next sleepless night—it would be the first of many—word came that the black students had expelled the white students from this first captured building and that the white students had moved into Low Library and occupied the President's offices. Columbia is my husband's university which he first came to as a freshman of sixteen and has never left except for a distant year at Wisconsin and a recent year at Oxford, and we live close to the campus. An uprising at the University could be no minor episode in his life, nor in mine. Inevitably, like much else that mattered in accustomed existence, Mailer's book went into the discard, not to be picked up again until mid-June when, the school year having staggered to its close, I was at last able to put the space of an ocean between me and what had been happening on Morningside Heights.

And yet Mailer's Pentagon story was seldom out of my mind—how could it be when its cultural and political "message" was so much the same message that was being dinned in my ears by the event on my doorstep? To be sure, the march on the Pentagon was organized as a protest of the Vietnam war while the war was all but absent as an issue of the University protest. The Washington occasion, taken as a whole, had also permitted a rather broader representation of political views than was manifest in the early stages of the Columbia uprising: it was only as time went on that various shades of moderate opinion came to the side of the Columbia demonstrators, but this is just the opposite of the situation in the Pentagon march, where moderate opinion gradually dropped away, leaving the field to the extremists. But these differences are of secondary importance compared with the similar philosophies and tactics of the two events. Both were acts of civil disobedience initiated by people who regard the law as the instrument of established power, the arm of a particular and despised form of social organization. (The fact that in the months that intervened between the assault on the Pentagon and the Columbia sit-in the New Left learned to refuse the concept of civil disobedience, on the ground that it grants an unwarranted authority to the existent government, represents a sophistication of argument but doesn't alter the illegal character of the Pentagon assault or the University sit-in.) Both dramatized drastically-opposed ideas of what is meant by social responsibility. Both had the intention of forcing on us a new examination of the workings of democracy:

Diana Trilling, the well-known literary and social critic, is the author of *Claremont Essays*. The present article continues the discussion, inaugurated in our September number by Stephen Donadio ("Black Power at Columbia"), of the broad political and cultural implications of the events at Columbia last spring.

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the discrepancy, that is, between the democratic ideal in theory and in practice. Both proceeded by, or at least were begun in, outrage of the conventions of educated speech and behavior that have long obtained in our society. Both events faced us, whether or not we were prepared to look at what was being shown, with the capacity for hatred and violence which many of the educationally-privileged left-wing young of the world share with those reactionary elements they most condemn for hatred and violence. This is no small likeness. The two occasions, indeed, can be significantly separated only in terms of their results—that is to say, in terms of their practical outcome and the emotions consequent on this difference in their capacity for effectiveness.

AT THE HEIGHT of the Columbia disorders Mailer was quoted as approving the University uprising because it was "existential." Whoever is familiar with his work will recognize this as his well-established criterion of the worthwhile; Mailer has for some years served faithfully at the ceremonies of experience. But the word "existential" is also generally used of the contemporary revolution to describe its improvisational character, its disdain of ideology and of any fixed political program and its appeal as a means of personal definition, and in this accepted and acceptable sense Mailer's honorific designation is an accurate one. The Columbia revolution was nothing if not improvisational, scornful of systematic political thought, especially of systematic planning for the future, dependent for its appeal on the immediate gratifications to be discovered in the release of bitterness and rage against society as we now know it. In fact, so pressing were the emotions called upon or created by the Columbia revolution that they quite precluded involvement in the subjective emotions which are the heart of Mailer's Washington report—one's own existential moment yields to no other. Even at my remove from direct participation in the affairs of the campus, the Columbia disorders became my total absorption simply because I was in their orbit. In the light of what was taking place on the steps of Low Library or, more grimly, within its walls, "On the Steps of the Pentagon" was like a narrative of last year's illness intruded into today's sickroom.

But even apart from one's inability to accommodate another person's subjectivity when one is oneself acutely concerned in an event, Mailer's Washington story was bound to be lacking in emotional relevance to the Columbia disturbances. Existential the two occasions might be, and morally and politically continuous with each other, but the march on the Pentagon was wholly a symbolic enterprise whereas the University uprising, although not without its large symbolic impulse, was shatteringly actual. The Washington demonstration was a protest of the Vietnam war; as such it logically directed itself against the building which houses the Department of Defense. But no one supposed the Pentagon could be occupied or its work halted. The University made a quite different case. For the present-day revolution, all universities are representative of the society in which they exist. This is why they are under assault—for the revolutionary young their schools are their most immediate symbol of the hated social authority. But here symbolism ends. Touch with hostile hands the building which houses your Department of Defense and you perhaps flick the soul of your nation, but your building and your nation remain intact. You have made a statement but you have not delivered death or even necessarily the premonition of death. Touch a university with hostile hands and the blood you draw is immediate and copious and real. There may be disagreement on the quality of the blood but there can be no doubt of the actuality of the wound you have inflicted.

Too, the operation at the Pentagon, even for its most radical participants, had a built-in finiteness that was not present in the University occasion. Although the march was organized as a united front of many disparate groups opposed to the Vietnam war, it was its ultimate intention of mounting an overt attack upon the legally-constituted authority of government that represented its attraction for many of the demonstrators, including Mailer himself: These would move upon the giant structure, capture a step or two, conceivably some small corner of some remote corridor, create a disruption, provoke a confrontation—sanctified contemporary word!—with the police or military, and clearly announce to the world the distance in thought and feeling between those who power the war and those who most actively oppose both the war and its makers. A plan like this requires that whatever momentum is generated in the event must be expended on the spot and, more important, within the period of time allotted to it. It puts definite boundaries to the enterprise, both objectively and subjectively, not only limiting the range of decision but also altering the quality of feeling brought to the situation or produced in it.

It was not necessary for anyone to put his life on the line in the Pentagon march unless, like Mailer, in private test of a manhood he could as well have tested and has as well tested (Hemingway before him) in the prize-ring or in casual street or bar encounters. No career or old commitment or old loyalty or even old friendship was at stake, as in the University event which continued for long weeks and involved daily, hourly decisions of men whose professional lives are inextricably interwoven with each other and with the life of Columbia. I am not suggesting that the Washington event was free of personal challenge, or of danger. There was the possibility that the marchers might be clubbed, or that tear gas or

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Mace might be used against them—this gave what Mailer would call the cutting edge to the mood. And some of this bad possibility was indeed realized for the hippies in the contingent who, perhaps because they are already so far gone in their own shadowed universe of metaphor that the line between the real and the fancied is blurred, stayed around to offer always larger and more ingenious provocations—chiefly of a sexual sort—to the military guarding the building. Nevertheless, once a demonstrator had joined the march, he had only to decide how much discomfort he was prepared to take in counter-measures by the police or in arrest and jailing before he could be rid of involvement. And whatever his choice, whether to go for an extra bonus of excitement, whether to get a more or less bloodied head, refuse arrest or invite it and thereby delay his return home, there was still home to return to when the march was over. His protest accomplished, there was not the distance between civilizations to retrieve, or even between old commitments and new positions. The same assumptions, the same world the demonstrators had left at the start of the weekend awaited them unchanged at its end.

Mailer's Washington occasion was thus of a different existential order from the Columbia uprising. Its bearing on the Columbia disturbances is moral, political, cultural, rather than finally experiential. There was therefore less feeling connection between these two man-made occasions than there was, for me, between the Columbia upheaval and an upheaval in nature that I experienced some years ago: a hurricane followed by flood at the Connecticut shore. Although the black students who held Hamilton Hall might refuse to regard the uprising as a revolutionary act and insist, as we are told they did, that it was no more than a demonstration, the white insurrectionary students made no such distinction, nor did other members of the University who had to suffer the full force of the disruption. In the flood at the seashore, the emotions we experienced were fitting to an occasion which, even apart from its immediate threat to life, was bound to alter our familiar landscape, perhaps permanently, and at Columbia, too, the emotions of everyone connected with the University, whether as student, teacher, administrator, or only faculty wife, were appropriate to an event which, although the University might sustain it, could leave no commitment or loyalty or familiar occupation as it had been before the uprising. They were appropriate, that is, to a revolution. Many new and no doubt important loyalties were formed in the Columbia disorders, and not merely for the students brought into uncommon intimacy in the sit-in but for their teachers as well, thrown into the unaccustomed tensions of University emergency. As in the flood at the seashore, people were brought into sudden urgent relation with each other who previously had lived in only formal or casual association. And even old friends revealed new aspects of character—generosities one might not have expected, courage or flexibility of mind of which one had not been as aware as one perhaps might have been. Recording his Pentagon event Mailer is not a novelist in depth; he does not need to be. He is, so to speak, a novelist in width—his imaginativeness makes a sufficient arc over the relatively flat field laid out for our inspection. The novelist of the Columbia revolution has not yet appeared and may never appear, but the material that awaits him is necessarily of another dimension.

Out of his own rich literary resources Mailer tries to supply the dimension which the Pentagon march lacked. Illegitimately he makes a tragic confrontation out of what was merely a nervous confrontation. He asks for our pity and terror in a situation in which the heroic protagonist of the story is himself wholly responsible for his fate—after all, if one exceeds one's permit for a peaceful march and assaults a federal building, one invites retribution; one is not at the mercy of tragic forces which one has not oneself set in motion and over which one has no control. This confusion that Mailer makes between victimization by fate and self-victimization, or at least self-implication, robs his book of more than political authority, of moral authority as well. Inevitably self-pity presides over —no, this is perhaps too strong: inevitably self-pity haunts a story in which heroic grandeur would require sterner emotions if only on the part of its author if not of its other actors.

Documents of the Columbia disturbances now also appear and they too, although making no claim like Mailer's to cross-fertilizing fiction and history, reveal the curious confusion the contemporary revolution makes between external and internal reality. One reads, for instance, Dotson Rader's report in *Evergreen Review* of his experience in the sit-in and one is bound to be struck by the ease with which it transforms a self-created battle into a brutal social coercion—even in the act or provoking the authorities the demonstrator is convinced that he is the innocent victim of an organized social assault. In any revolution, no matter how circumscribed, we can assume that the rationale of one's own direct action is that one is acting against an aggressive force. But usually this doesn't preclude acknowledgment of one's own aggressive intent; revolution is usually ready to take responsibility for its own move and for what it sets going in counter-activity. But what is interesting both in Mailer and in the reporter from the Columbia sit-in is the moral stance of blamelessness, even of passivity, that they seem to insist on, as if, even when they are most provocative, they are only the inert recipients of their social destiny. For both the SDS and the SAS this non-culpability was of course a stated premise of insurrectionary action.

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The University alone bore responsibility for the uprising; those who rose against the University had no responsibility for what they did or its consequences. A premise like this makes thought unnecessary: one searches Rader's memoir or that of another Columbia demonstrator, James Kunen, in *New York* magazine, without finding a vestige of idea, let alone of revolutionary ideology. And the presence of political intellection in Mailer's book comes to seem incongruous with its prevailing mood of non-responsibility for the action it reports on, a reassuring left-over from the radicalism of an earlier generation.

For the students in the occupied buildings, as for Mailer, the emotions of heroism experienced in the demonstration stemmed chiefly from the conquest of personal fear, in particular fear of counter-measures by the police, of a more extreme sort, even, than were actually employed when the police were finally called into action in the early morning hours of April 30. And these first-hand accounts make plain what someone like myself who, until their publication, largely depended for her understanding of the moment-to-moment developments among the demonstrators on Columbia's station WKCR (the deservedly celebrated student radio), together with such poor intuition of the psychology of insurrection as she could bring to bear on the uprising, would have been reluctant to surmise: the extent to which the thought of police brutality provided the emotional motive of revolutionary intransigence. So central, indeed, to Mr. Rader's appreciation of his revolutionary action is his fear of being manhandled by the police that one is impelled to conjecture that had there been an absolute certainty that no hand would be laid on him he might very well have deserted the whole insurrectionary enterprise. It was not that the prospect of suspension from the University was absent from the minds of the students engaged in the sit-in, or that they had no worry about arrest and going to jail, but simply that it was not this which absorbed their thoughts with anything like the vividness of their detailed fantasies of beatings, gas, Mace—especially beatings. The fantasy of beatings by the police was of course to be made all too real on the morning of April 30, and the careful instruction the demonstrators had received in the correct fetal position to assume in self-defense would turn out to be small protection: they would be picked up and thrown from the buildings, punched and kicked and knocked about the head with billies. But at least chemicals would not be used; this adumbration of legal force had to wait for a non-university scene several months later, the demonstrations in Chicago. At Columbia the students' preparations against gas served in the main as evidence of the existence of large supply lines betwen the occupants of the buildings and sympathizers outside the University. WKCR had student reporters everywhere on the campus throughout the disturbances, on window ledges, on rooftops, sometimes it seemed that they must be in the very crevices of the walls. Listening to its reports like an idiot addict, especially alone at night when my husband was still at the University doing whatever it was that the faculty was then doing, or trying to do, I learned of the regular visits to the occupied halls of friendly doctors and nurses and the frequent delivery of medical supplies, in particular large quantities of vaseline and plastic bags for use against burns.

BUT FOR THOSE not inside the captured buildings there also was fear, whose source was other than the law. Columbia, the campus itself and its immediate vicinity where many of the faculty live, has for some years been an island, a white island, constantly shrinking. This is not something that is much talked about among the faculty, but it makes itself felt in the steady migration of the faculty to the suburbs; and among those who continue to live in the University-owned apartment houses on Claremont Avenue and Riverside Drive, west of the campus, or in the Amsterdam-Morningside Drive area to the east, it plays a not inconsiderable part in curtailing the freedom of movement of the residents, especially after dark, and in the venturesomeness they can permit their children. It is the proximity of Harlem to Columbia that made the student uprising of this spring a great deal more than a mere campus manifestation, both bigger and more delicate to handle by the University authorities, and warrantedly or unwarrantedly, frightening to everyone in the neighborhood as no disturbance confined only to an educational institution would have been. In fact, judgment on the conduct of the Columbia administration which assumes that it had no more than a student outbreak to take into account and which fails to appreciate the credence that everyone involved in the University emergency gave to the possibility of a move against Columbia by a supposedly inflamed Negro ghetto rather misses the point of an insurrection in which the first building to be taken, Hamilton Hall, was within a few hours held wholly by black militant students. That President Kirk and his coadjutors were unequal to the demands made on them in the revolt, and in ways that showed not only a grave deficiency of statesmanship but also a perilously inadequate reading of present-day student emotion, is, I think, unquestionable. But their understanding of the changes that have taken place in the attitudes of the young over recent years could have been all one might wish for in a present-day University administrator and the Columbia administration would still have been effectively paralyzed to meet the situation confronting it in the sit-in, when the occupancy of Hamilton Hall by black students alone meant that any action taken by the University which would include this building

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might be interpreted by Harlem as an action not against student rebels but against the black race. Mayor Lindsay vests much of his political future in his empathy with the young and in the trust placed in him by the black population of New York; but called on for advice by the University he had little counsel to offer. Nor were his experts in Harlem affairs, some of them themselves Negro, able to be more helpful.

IT WOULD PROBABLY go too far to say that the reason Columbia was picked for a campus offensive against American society, the first in a major private university in the country, was because of its closeness to Harlem. Although a Columbia demonstration had been planned some months before this one took place, there was a large element of accident in the early stages of the uprising; even the occupation of Hamilton Hall had not been precisely designed, and the expulsion of the white student seems to have been an *ad hoc* decision, though one with precedent in recent black militant practice. But unmistakably the physical closeness of Columbia to this region of disquiet and social grievance made Columbia infinitely more vulnerable than universities normally are, which is vulnerable enough. When the administration said that universities everywhere in the country were looking to Columbia as a model—they might have said a lesson—in the handling of campus disruption, they were unfair to themselves in neglecting to emphasize an aspect of the rebellion which made Columbia a very special and charged instance of campus insurrection. Even without the danger of invasion from Harlem, there was sufficient in the Columbia disturbance to suggest a catastrophe in nature, but with Harlem on its borders a measurable catastrophe might have become an unmeasurable disaster—the University might be overrun or burned down.

All through the last week of April and throughout the month of May this was indeed the potential horror that hung over our island. At night, my husband on the campus, I, like (I suppose) all wives of faculty, obeyed the instruction to stay behind bolted door. But sleep was impossible. It was impossible for everyone I knew in the vicinity —the most decorous of us had no hesitation in phoning each other at any hour of the night, two o'clock, four o'clock, whenever the lonely waiting got to be more than we could bear. One sat through the seemingly endless hours, an unopened book in one's lap, the unceasing radio at one's side, straining for the unfamiliar sound on the street beneath one's shaded windows, the tramp or rush or scuffle of the expected invasion.

Had Harlem risen as in our exacerbated social anxiety we thought it would, obviously more than the life of a university would have been lost. At no point, however, did the black population outside the University make more than a token contribution to the revolt. But this was through no lack of effort on the part of the revolutionary students who launched the insurrection and who continued to have it largely in their charge. For some time before the April outbreak the organized radical activists on the campus, members of the SDS and SAS, had been chiefly focusing their hostility to the University "establishment" on the issue of the new gymnasium that Columbia planned to build in Morningside Park, to serve not only Columbia's own students but the residents of Harlem on the other side of this small little-used stretch of open land. A project once gratefully approved by a wide range of Harlem civic organizations—but this was in the long-ago days of the late 50's, when Negroes and whites were joined in the civil-rights movement—had recently given rise to the charge of racism against Columbia. It was felt to be racist that the facilities of the building were not to be used jointly but severally by Harlem and the University, although these arrangements, insofar as they could be said to be discriminatory, represented a division between town and gown rather than a division of color—the black students of Columbia would of course swim and play with the white students of the University. It was also said to be racist that the new building was to have two entrances, a "front" entrance on Morningside Drive, on the University side of the park, for Columbia students, and a "back" entrance in the park itself for nonmembers of the University—but actually the land in the park slopes sharply, so that were the people from Harlem to have been made to enter on Morningside Drive they might well have had cause to complain about the distance they had to walk and the hill they had to climb. Too, the fact that the University had been able to acquire an inexpensive long-term lease on a piece of public land confirmed the revolutionary students in their belief in a conspiracy between the University and the city against the interests and just claims of the black population; but these interests and claims of course announce themselves differently at different moments, according to changes in the current of black political opinion.

These charges of Columbia racism and Columbia economic privilege and ruthlessness had been agitated in a series of demonstrations at the site of the proposed gymnasium to which militant groups in Harlem had sometimes contributed participants. Harlem had even made anti-gymnasium demonstrations of its own, though they were never very impressive. But once the first buildings at Columbia were seized, one of them by black students who now held it alone, it was reasonable for the revolutionaries to hope that black dissatisfaction with Columbia, not only on the score of the gymnasium but also because Columbia had engendered a considerable enmity as landlord of buildings largely tenanted by Negroes and Puerto Ricans, or only because it was a powerful white

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institution bordering the black ghetto, might be triggered into a significant black uprising. There is probably no single answer to why this hope was disappointed other than that Harlem is not, as a whole, as roused to militant action as we have come to believe. Apparently the people of Harlem, not their militant leaders but the people themselves, care less than one had been led to suppose about this building of an only semi-public facility in a public park that up to now has had recreational facilities of no sort at all and which for many years has chiefly been consecrated to the use of small-time criminals making their getaway after purse-snatchings on Morningside Drive. I myself, in long years of residence on Morningside Heights, have never known anyone, black or white, who has dared use the park even for a short-cut, let alone for relaxation. It may also be, that the people of Harlem regard their black children studying at Columbia as fortunate among their black generation, the beneficiaries of an advantage they would wish to see multiplied rather than sacrificed. The existential revolution of our day clearly has its populist bent, but so far it seems to be more apt at subverting the natural intelligence of self-interest among our better-educated than among our less-educated classes.

AT ANY RATE, Harlem was not delivered. This fear, the most awful of the fears attending the Columbia disturbances, turned out to be baseless. Charles 37X Kenyatta, Stokeley Carmichael, H. Rap Brown did indeed visit the campus—it was no doubt politically mandatory, for the militant record, or perhaps they still hoped for a tie-in of their own programs and that of the students. But the only palpable effect of their interest in what was happening at Columbia was to keep us in mind of yet-unleashed possible black furies, and, in fact, for some of us their appearance, however threatening, came to seem rather more appropriate—in better taste, if one is allowed to put it so—than that of many of the other non-University visitors to Morningside Heights, whether the sightseers for whom the disruption of a great university represented the newest fun spectacle in our famous fun city or the fellow-travelers of the revolutionary young, the literary intellectuals. The militant Harlem leaders at least had a demonstrable political motive based in the genuine grievances of their race and class. Could one say as much for the white tourists, for Robert Lowell, for Dwight Macdonald, for Paul Goodman, for Mailer? Is the University an appropriate symbol of the hated white authority for them? I mention only the people who are also present in Mailer's report of the Washington march, the busy "notables" about whom Mailer writes so winningly in *The Armies of the Night*. There were of course many others.

But on the early morning of April 24 when the SDS were being expelled from Hamilton Hall by those they presume to call their black brothers, an act of racial separatism, of black racism, in which the white students had to accede in deference to the rule of the New Left, that one accepts the dictate of one's black comrade, one doesn't dispute or resist him—but also the blacks, that first day, were reputed to have guns and gasoline—the reluctance of Harlem to add its fuel to the fire this time was not yet known, nor would it be for many weeks. And throughout this first week, while increasing numbers of students joined the original occupants of Low Library and even added three more buildings to those taken in the first day of the outbreak, and while the faculty quickly organized itself into something it called the Ad Hoc Faculty Group and met around the clock to try to negotiate the conflict and persuade the students to terminate the sit-in, it was Harlem that was the ace in the hole of the demonstrators. They remained adamant in their refusal of whatever peace plan was offered them—when Mark Rudd, Chairman of the SDS and now its best-publicized character, left his headquarters in Ferris Booth Hall to hear the latest proposal of the faculty, he greeted their offer with a stunning economy: "Bullshit."

The occupation lasted a long week, the longest in memory. Despite the insistence of the Ad Hoc Faculty Group that the police not be used until every most remote recourse of mediation had been exhausted, and their pledge physically to interpose themselves between the sitters-in and the police should this insistence not be respected, on April 30 the administration ordered the buildings to be forcibly cleared. By this time it was of course manifest that the students had no intention of leaving the buildings of their own accord and the Ad Hoc Faculty Group had by now been pushed to such unlikely expedients as calling on Governor Rockefeller or Mayor Lindsay for personal intervention. But in bringing in the police without the consent of the Ad Hoc Group, the administration opened a deep chasm between itself and the faculty. No force was required against Hamilton Hall: the removal of the black students was arranged through Professor Kenneth Clark, the eminent Negro psychologist—the fact that he had a son in the building must have made his undertaking a peculiarly subtle one. The black students peaceably evacuated their stronghold and peaceably got themselves booked by the police; they then joined the strike which was to halt classes for the rest of the term. Throughout the strike, however, the University's alleged depredations against the "community" continued to make the focal issue of the revolution and the proximity of Harlem to Columbia continued to be the chief explosive potential of the uprising.

I put "community" in the quotation marks it should properly have worn whenever it was spoken at Columbia, which was incessantly. At Columbia "community" has now come to mean,

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really, only one thing: the black community to the east and northeast of the campus, Harlem, although when necessary it can be made to include anyone in the Columbia vicinity who is or might be antagonistic to the University. "Community" is thus to be distinguished from neighborhood, by which one means those in the vicinity of Columbia, whether residents or storekeepers, for whom the University is either a neutral presence or comfortably integral to their lives. Expanding, as all universities are now forced to expand in the new programs of educational opportunty in the democracies, but with no open land available for its growth—how does a shrinking island extend its boundaries?—Columbia decided several years ago that its own best needs could be served simultaneously with the public welfare by the University's buying for its own respectable use derelict apartment buildings in the surrounding streets: by tearing down or improving these dwellings, they would eventually improve the general tone of the area. The question the University failed to consider, or certainly failed to answer to the satisfaction of many scores of long-time inhabitants of these deteriorated buildings, a good majority of them Negro or Puerto Rican, most of them poor, many of them with little tie with the world other than of physical root in their own houses and streets, was whether they desired an improvement in which they were unlikely to have a share and which, in fact, robbed them of what small sense of place they already had. The University, that is, let itself remain unaware not only of the dismays of displacement from one's familiar surroundings, but also of the always-mounting hostility of present-day progressive thought to unilateral social actions *de haut en bas*. In an earlier day, when the plan was conceived, it was felt to be civic-minded and forward-looking.

I HAVE NO breakdown of the subjects being studied by the students who either sat-in at Columbia or urgently joined the strike that all but paralyzed the campus throughout the month of May. It is my impression that the most radical members of the student body major in history, political science, government, anthropology, sociology, architecture, city-planning: the subjects which most directly involve them in public affairs and the problems of society. Moving in on the unfriendliness of the "community" to the University, or, more precisely, since the anger of persons the University has displaced from their homes, understandable as it humanly would be, seems, actually, to be more sporadic than massive; moving in on what it (wrongly) anticipated would be fertile soil for more than mere campus protest, the SDS turned the better part of its agitational energies to non-academic issues: the construction of the gymnasium in Morningside Park, the behavior of the University as landlord, the University's character as a power-structure within the larger power-structure of the State. It was interesting that in this social-political effort the word "capitalism," with its reference to specific economic injustice rooted in the organization of the society, was never mentioned—for someone who had first learned her politics in the Marxist 30's, the omission was glaring. At Columbia, as in France, the revolution had its mysterious intangible references to the superiority of the Communist system, but it had no reference at all to the programmatic doctrine of Marx and Lenin or even of Mao, only, vaguely, to what is thought to be the more directly human and certainly the more romantic Communism of Castro, particularly of Che Guevara—here as abroad the red flag hung along with the black flag of anarchism. The commonest decoration of disorder, however, was Che's picture; in fact, it was Che far more than Professor Herbert Marcuse, prime ideologue of the non-ideological revolution of our time, whose spirit presided over the boiling campus—this is no doubt explained by the unwillingness of Marcuse, a product of the German professorial tradition, to encourage the application of his revolutionary teachings to the universities. In New York at the time of the uprising, Professor Marcuse stayed disapprovingly away from an insurrection wholly consonant with his view of a correct and vital democratic process,

If one is to be an urban guerrilla—and along with such improvisations as Arabic Belly Dancing and Liberated Genetics, guerrilla warfare both urban and rural stood high in the curriculum during the strike, when the University was said to have been "liberated" and classes were being held anywhere but in classrooms—one needs streets to fight in and, reasonably enough, it was to the meaner streets of the vicinity that the SDS beamed its message. The appeal to "community" was tireless throughout the strike: through microphones and bullhorns, written, typewritten, xeroxed, mimeographed, posted on placards on the now-barred gates of the University through which one could enter the campus only (supposedly) on presentation of an ID card. And in the meanwhile one's friendly neighborhood suffered in its own existential fashion and went unnoticed except by those—they have not the makings of revolutionaries or their eyes would be elsewhere—for whom it happens to be their familiar social place, their defining community.

At the Connecticut shore it was my (our) neighborhood that was flooded, it was my (our) community that suffered the insult of nature: child, kittens, manuscripts held high in the air, we had pressed through the rising water—but we had swum in it every day, how could it turn on us so fiercely?—until a better-situated house than

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our own had given us refuge. From its roof we had at last the fine safe funny spectacle of summer beach-life swirling beneath us, deck chairs and beach umbrellas, beach balls, swings, grills, beer bottles and boats and picnic baskets bobbing under our eyes in a wild pre-psychedelic orgy of random association. The swirl of a campus in convulsion brought to the level of perception no such happy arrangement of the frivolous and banal. Nevertheless it too made its accidental work of art of all too familiar contemporary tendency, its form the form of sullen and agitated crowds, its elements the ugliness of desecrated buildings and raging young faces and voices, overturned police barricades or, worse, police barricades in dead alignment, police in their uniforms, police horses, police cars, sidewalks thick with the casual throwaways of persuasion: pamphlets, leaflets, posters, printed or stencilled demands and protests, bulletins, denunciations, exhortations. There was no business as usual for the Columbia neighborhood, I suppose there never is in the neighborhood of revolution—in Paris, I gather, it was considerably worse. But even at Columbia one was everywhere pressed upon by the disorder, unable to be clear of it. One was everywhere as of the audience at *Marat/Sade*—between oneself and a demented world there was no curtain. The teaching of modern subjects in our universities, especially literature, proceeds of course on some unadmitted (because inadmissable) assumption of a drastic discontinuity between art and life. It is as if the professor who sanctions the revolutionary content of the contemporary literary works that he teaches were still speaking from the platform of a hundred years ago, when art was outside the stream of "real" life, the real life of action and political choice, its influence upon public affairs a matter of the slow mysterious interpenetration of the public consciousness by some strange remote thing called culture. Among the many assumptions undermined by the attack on Columbia, not the least important was the illusion that contemporary art is an academic subject like any other, one that is adequately dealt with without doctrinal commitment. It was only the blindest eye that could refuse to see the extent to which the revolutionary scene at the University represented the moral substance of contemporary art brought to actual life, indeed the triumph of culture over politics.

THE DETRITUS of communal compassion piling up at their doors, the Columbia shopkeepers studied a confused and embarrassed stoicism. What was it all about, they would inquire shyly of their old University friends, and when would it end? But how did one explain to one's grocer, say, whose disappointment that his son had not become a doctor or a lawyer but had elected to carry on in the family store was his most nagging chagrin, that his hopes for his boy had been socially retrograde and that the University was a power-elite fashioned in the image of the malign State, designed only for its own greedy self-perpetuation? The shops, excepting the butcher's and Takome, local emporium of the Hero sandwich, were bleakly empty: the one thing people don't do in the neighborhood of a revolution is buy pyrex bowls or asparagus or early lilacs. On the other hand, of the buying of sandwiches by the young—it seems that the girl-students in the occupied halls had refused the order of their male comrades that they be the cooks of revolution—or of hamburger by faculty wives, there was no discernible end. A faculty wife became short-order chef at any hour of the day or night for her husband and his exhausted colleagues working without rest to protect, not the abstract idea of a university—abstract speculation on the nature of a university had to wait for the excellent panel discussions set up when the strike had begun to lose its excess of fervor and some of the less excited students were ready to return to thought—but the living University which must be kept alive for its students and faculties.

WHEREVER LIBERAL PEOPLE gather—and I speak of the consciously liberal and therefore of the radical, since for thirty years now both sections of political opinion have been pretty much at one in their response to political events in which they are not personally involved—the current outbreaks in the universities of the world receive some welcome. Or at least it is felt that they must have a justification, or certainly that they further the general cause of progress. This is as true in England as in America, and I daresay it is so everywhere. In part this is to be accounted for by the fear under which people of conscience now live of being looked upon as conservative (it has come to be thought synonymous with reactionary), opposed to useful and necessary social change. But this fear, in turn, has to be accounted for, and it is generously explained only by the ill repute into which that which is given us in modern democratic life has fallen. Virtually no one of liberal mind, no one with a developed imagination of how life might be or ought to be, now approves of life in the democracies. True, even before Prague the condition of Communist Russia might be shown to be as bad or worse. But liberalism has the long habit of excusing this on historical grounds—the Communist countries, we are quick to explain, have not had the time or ease to improve themselves, and anyway it is democracy in which we have our citizenship: what right have we to accuse others when our own house is in such poor order? In fact, under the pressures of recent years, and especially since the Vietnam war, even people critical of the abrogation of civil freedom under Communism have found it increasingly difficult to distinguish between the social and political

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outcome of the two systems, the democratic and the Communist. What good, they ask, does our free vote do us when we cannot even halt a war we hate or use the billions and billions of dollars of its cost to help our mutiplying poor and relieve the blight on our cities?

Well, our universities are presumably the place where our best knowledge resides, they are our grand founts of public wisdom, the guardians of our humane tradition. If life in our society is as bad as it is, is it not reasonable to think that the universities must be at least somewhat to blame and that the lesson they teach is a wrong or insufficient lesson? Do they not then need to be shaken out of their self-satisfaction, cleansed of the error they tolerate or even nurture? Perhaps there is still hope for a world whose students refuse to comply in complacency and cooperate in error but, instead, take a stand against the wrong in their educational institutions.

Reasoning like this is of the essence of progressive thought and does some credit to conscience. Who of liberal persuasion would not welcome a movement of the young directed to the reconstitution of the democratic ideal so badly damaged in contemporary practice? If the young do not reform us, who will, and if we are not reformed, what kind of future do we face?

The first and eminently sensible question put to one, then, by conscientious people outside of Columbia is, what are the student demands and will they be met? Clearly, the question intends to ask what deep-rooted fault exists in the University which, rectified, would promise an improvement in American life insofar as it is within the power of our students to extend the benefits of their schooling. And specifically the question has reference to those bad aspects of contemporary life to which liberals and radicals are now most alert: its inequity and harshness, its depersonalization, the alienation of the individual from his fellowman and government, the loss of personal identity, affectlessness nourished in lack of concern for those less fortunate than oneself.

The question, taken on its highest level of intention, could not be more difficult to answer because inevitably the answer is circular. Is there, has there been, that in the condition of Columbia which reflects or even reinforces the bad condition of our society? Obviously, yes. How could it be otherwise, since Columbia, like any institution in society, is part of the society, part of its bad together with its good. We cannot imagine a school in any country which would not reflect the condition of that country, or anywhere in the modern world which would not reflect the condition of the modern world. It is therefore in the degree that one is dissatisfied with the state of one's country and world that one will be, must be, dissatisfied with its institutions of learning—all of them. There can be no doubt, for example, that just as the sense of the individual's alienation from his fellow citizens and his government, his sense of loss of personal and social identity, has so markedly increased throughout America in recent decades, the sense of the student's alienation from his fellow students and from his educational institution has similarly increased, at Columbia as elsewhere, and from much the same cause: the increase in human numbers and the consequent decrease in the individual's connection with his government and in his sense of his personal-social definition and worth. But the very effort, the progressive effort, which tries to correct these troubling modern feelings is also involved in their spread.

It is not only the growth of population which has overcrowded and depersonalized our universities. It is also from our enlightened desire to enhance the individual and collective well-being of our citizens that we have undertaken to give a higher education to as many people as want it—we would consider it retrograde indeed to cut back, on behalf of a more personal relation between student and student, or student and teacher, on the number of people we send to college and on to the graduate schools. What is both right and wrong with America and in fact with a great part of the modern democratic world is therefore what is both right and wrong with any university, including Columbia: it has a dream of progress, a sweet dream of the good, but it has not solved the problem of modernity. And thus in some important measure any student rebellion in a university is not so much a rebellion against the particular institution as against modernity itself.

Still, though we accept a generalization such as this, we all of us know that any given nation may have a greater or lesser capacity to solve its problems, and any given school may have a greater or lesser power of social transcendence; one university may offer solider reason for student complaint than the next. What then was particularly wrong with Columbia that the uprising, the first of size in a private American university, took place there —no, not that it took place there, perhaps this did in fact have to do with its closeness to Harlem, but that it took hold as it did there, to the point where a revolt that had begun with a handful of rebellious students won to its side, in the space of a week, a large proportion of the student body and even in some degree a considerable section of the faculty?

I admit a possible bias. When one marries a university teacher one marries into his university much as one might once have married into one's husband's family: there develops a not insignificant attachment and a perhaps distorting intimacy. The university commonly talks of itself as a family, and when dissension arises there is much to remind one of angry family emotions: one speaks of insufficient respect for this or that member of the group, failures of tenderness or trust,

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the wrong distribution or use of authority, even misapplication of funds. But I make the not too daunting effort of objectivity and find myself unable to locate a sufficient reason for revolution at Columbia—reason for complaint, certainly; reason for protest, yes, especially in the graduate schools which are the more crowded and anonymous sections of the University, but surely no reasonable reason to tear the place to pieces. Columbia is not the Sorbonne, where nothing less than a major disorder could hope to blast the authorities into awareness that the institution existed to educate students and not merely to honor the abstract idea of higher learning. It was not even Berkeley. It may be absurd to call Berkeley a "totalitarian think-factory" as it was called by some of its dissenting students, but surely it was justifiable to call it a factory, it was so gigantic and dehumanized. But even in the Columbia graduate schools, where the classes are often too large, they are smaller than in many undergraduate courses elsewhere—for instance, at Harvard. Lecture courses for as many as a hundred students are uncommon. And in the undergraduate college I have heard bitter faculty complaint over classes of forty; the College, in fact, is celebrated for its insistence on keeping its classes small. In the graduate faculties, again, there has for a long time been warranted complaint about lack of close student guidance in the writing of theses and dissertations, and the absence of regular easy association between professors and students. The professors, especially in the social sciences, have been accused—justly, it appears—of being too busy with their research or non-University consultations to have time for their students outside the lecture halls. But there was never such complaint in the undergraduate school. There the most one heard were criticisms of the curriculum, inspired by political partisanship: there must be more courses in African history, African literature and art. And even this demand, proof though it was of the presence in the College of a group of students committed to current left-wing educational doctrine—that is, to preference for the black as against the white cultural heritage—was not sufficiently widespread to have prepared anyone for imminent revolt on the campus.

GENUINE INTIMATIONS of trouble had come only from the small group of student radicals whose sights were fixed elsewhere than on campus concerns, students opposed to the whole of the social authority, in which they include the University authority. From this quarter there had indeed been substantial warnings of insurrection. The President of the University having promulgated a rule against indoor demonstrations, this radical minority had undertaken a direct defiance of his order by gathering in Low Library to protest Columbia's membership in the Institute for Defense Analyses, a consortium of some dozen or more universities which supervises the distribution of government contracts for university research projects. Six of these demonstrators, five of them undergraduates and one a graduate student, had been identified—they came to be known as the IDA Six—and had been asked to report to their Deans for discipline, which meant probation. The Six refused the order; one of them demanded that instead of their appearing before the Deans of their Schools, the Vice-President of the University should come to meet them. It was these IDA Six and their supporters whose rally at the sundial at noon on April 23 launched the disturbances of the next weeks. Vice-President Truman did not come to meet them as requested but he sent the group a letter saying that he would meet with them in Columbia's McMillin Theater. This offer was found inacceptable and the group attempted another demonstration inside Low; when they were prevented in this attempt they moved on to the site of the proposed new gymnasium where excavation had begun and tore down the fence that surrounded it. Scattered by the police—one of them was arrested—they re-formed at the sundial and came to the decision to hold an indoor demonstration in Hamilton Hall at the office of Acting Dean Coleman, before whom five of their number had been supposed to appear for disciplinary action. They imprisoned the Dean and announced their occupation of the building.

In other words, the issue the SDS and SAS were making was an ultimate one. They were challenging the basis and nature of the University authority as indeed they would continue to do in their demand for amnesty—the use of a word associated in most peoples' minds with the exercise of executive charity would come to be confusing in a situation in which what the white insurrectionary students meant by amnesty was the acknowledgment that the government of the institution had no right to exercise authority of any sort and in which what the black insurrectionary students meant by amnesty was the acknowledgment that the white government of the institution was racist and therefore solely to blame for the uprising. Certainly the SDS and SAS were not making merely a "protest," even of Columbia's membership in the IDA or of the plan for the gymnasium. By any customary standard, no one could accuse the University of an excessive disciplinary severity, nor was this actually the students' point. Rather, the position taken by the SDS was that the University, like the State, had no legitimate power such as it claims for itself. The protest of Columbia's membership in the IDA provided one useful means of defying this "illegitimate" University authority. But even more useful as a ground for defiance was the plan for the gymnasium, for here one brought the University into confrontation with the "community." The occupation of Hamilton Hall by the black students served two simultaneous, even inseparable, purposes: it put the

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University authority under question, even though not precisely the same question it was being put under by the SDS, and it gave the rebellion the wider social and political reference it would not have had if the demonstration had stayed with only academic concerns. In fact—and this is perhaps the chief point about the Columbia revolution, they were not its incentive. The Columbia pation of the buildings, or, rather, upon the strike after the police action; they had no part in the original outbreak. They appeared in the revolution, they were not its incentive. The Columbia uprising had the declared intention of large social destructiveness, the largest. In an open letter to President Grayson Kirk on April 22, Mark Rudd wrote: "We will destroy your world, your corporation, your University." He reverses his schedule —first the University must be destroyed, then its world—but he plainly states his actual purpose. So extreme an intention certainly didn't motivate everyone who participated in the occupation, but the uprising is not properly understood unless this avowed goal of its leadership is held firmly in view.

In common with the liberal public, a significant part of the University population did, however, lose sight of it. This is not to say that there was broad campus approval for the action of the radical minority in seizing the University buildings. On the contrary, at the outset of the disturbances the methods of the SDS aroused strong opposition on the campus. But as the days went by, many even stern opponents of the SDS, both students and faculty, went over in some measure to its side, or at least to the side of radical protest, bringing with them the academic issues which had been missing at the start and thereby transforming the face that the rebellion would otherwise have shown the world. Now, to be sure, academic complaints began to be voiced, academic demands were grafted on to the original non-academic demands. Just as in Chicago several months later a demonstration whose ruling purpose was anarchic was able, because of the way in which it was met, to mobilize the sympathies of people who would have wanted no part of its original disruptive intention, just so at Columbia the way in which the occupation was handled by the administration—or perhaps just the fact that the sit-in could take place, and throw the University off balance as it did—made it possible for the SDS to activate a campus which hadn't previously realized that there was anything spectacularly wrong to be active about, or against.

Primarily, the wide disaffection from the University that began to announce itself after the buildings were evacuated by the police on April 30 and during the strike that followed the police action was a response to the use of police on the campus. The brutality of the police on the morning of April 30 outraged virtually everyone who saw or heard about it. Not content with releasing their week-old hatred for the students who held the buildings, the police would seem to have swung wildly at whatever head there was to hit, not only in the halls themselves but outside the buildings. Hordes of innocent spectators had come to the campus as word spread of a bust, students who had had no love of the sit-in: they were ridden down, assaulted, pressed to the edges of the campus where there was no refuge. True to their pledge to interpose themselves between the occupied buildings and the police until they should themselves have decided that the police must be called, the faculty tried to hold the steps of Low, Fayerweather, Avery, Mathematics: they too were brutalized. It was easy in such a situation to forget that were it not for student lawlessness the law would never have been brought to the campus. Not only a good portion of the student body but many faculty, members of the Ad Hoc Faculty Group which had agreed in principle to the use of police, insisting only on its postponement until every conceivable avenue of peace had been explored, now forgot who had brought rage and disorder to the University and turned on an administration that could employ such brutality against its own students. In effect, that is, everyone, students and faculty, not to mention the public, blamed the University for the ugliness of the police. The SDS could not have hoped for a greater victory.

But although this was in largest part the cause of the swing in campus sentiment, disaffection from the University had another source as well, in the conduct of the administration since the start of the crisis. The inability of the President and Vice-President to address the campus except in the language of traditional authority, except in self-defense and defense of established practices and procedures, had opened a hitherto unseeen or only dimly-seen gulf between the will of administration and the will of students and teachers, which now filled not only with new dramatic remembrances of old quite minor complaints but with a new angry recognition of faults in the structure of the University. Few members of the Columbia faculty had, to my knowledge, been upset because they had insufficient voice in the running of the University or even of their own departments. Just the opposite: the departments were democratic enough and the faculty was glad to have administrative details taken off its hands so that it could get on with its own work instead of spending all its time in meetings and committees. And it was only in the last year, under the SDS slogan of "participatory democracy," that students at Columbia had come at all to think that it would add to their educational opportunities to be involved in the direct management of the institution; and even in this last year what they had sought was much more a channel for the expression of student opinion than actual "student power." It was only when administrative power

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showed itself to be so simple-mindedly jealous for its own safety and yet so inadequate in crisis to the authority it claimed for itself, that faults in the institutional structure which had previously gone all but unmarked took on importance. This is of course what the SDS and indeed the whole of the New Left has in mind when it undertakes to "politicize" the unpolitical—put enough pressure on an institution or a government, offer it enough provocation, and the sad likelihood is that it will reveal itself in the worst possible aspect, thus confirming the radical assumption of its basic and entire unsoundness or corruption.

AND, FINALLY, most subtly but forcefully, disaffection from the University described the disaffection from modern society and its authorities of people everywhere today. When the moderate students of Columbia were outraged by the police action of April 30, they were responding not merely to the harshness of the police. That is to say, they were responding not merely to the conduct of the police as to an act of isolated human ugliness. What the brutality of the police represented for them was some better-hidden brutality of modern life in our own democracy. It was as if there had now been fully disclosed to them something in the American condition to which they had let themselves be blind while their more radical fellow students had seen it for what it really was. They felt that their moderation had been a form of self-deception and of propitiation of evil, of which they needed to be ashamed and for which they had to atone by some radical move of their own. Clearly this sense of wakening to the true state of affairs would not have been possible had there not existed, though perhaps not at the level of full consciousness, a generalized suspicion of the society. But this suspicion has now been well implanted even in the moderate young not alone by their mass culture but by their classical modern culture (if we can call it that), all the great works of modern art which are precisely designed to subvert our confidence in the values and authorities by which we once undertook to live.

Nor, of course, is it only the young who have been educated to this dissatisfaction, even disgust, with the given of society. A Columbia faculty sympathetic to the strike was in largest part sympathetic not to the political motive or strategies of the uprising but (even without need or wish to formulate such a position) to the idea of necessary revolt of some kind against a social force which, by its nature or perhaps only by its existence, disappoints our best hopes for life. For this is the idea that now binds the cultural generations, gives them a shared moral premise for social action, keeps full the reservoir of guilt when action is taken by others and not by oneself. The brutality of the police made many of the faculty feel morally laggard in not having matched the certitude with which their radical students had perceived the connection between power and ugly force and undertaken to combat both. "Even you would have become a revolutionary," said an old faculty friend telling me about the behavior of the police. Although only a few days earlier this same friend had retreated to the country because he had been sickened by the violent conduct of the demonstrators, he was now certain that to be disgusted with the police required that one go over to the revolution. And even faculty who did not respond so simplistically, faculty who were perhaps less susceptible to social guilt and therefore better able to see the moral double-dealing that underlies the absoluteness of the judgment the contemporary revolution passes on our society, were bound to respect some new seriousness that suddenly appeared on the campus in the wake of the police action. When the strike was first called, the day after the bust, far from a majority of the faculty immediately supported it. But as the days passed and the professors got to talk with their students, their moderate students, fewer and fewer of them found it possible to make the breach with them that would have been the consequence of their insisting that classes be held in the struck buildings—their newly-politicized students were too genuine in their commitment to the strike, and too impressive in their new gravity. For most of them it was a first experience of political involvement; the moral investment in it was not to be lightly regarded.

THUS, WHEN people ask, will the student demands now be met, will the University reform itself, one must be sure one understands what they mean by the question. If they mean, will dissatisfaction and anger disappear from the campus, one can answer only with a question of one's own: Is a new happier consciousness about to be given us in our modern world? But if they are asking the more immediate and practical question: Will there be useful reform at Columbia, will the student demands be met, will the students be given participation in decisions of curriculum and departmental management, and will the University be restored to its proper peaceful functioning as an educational institution?—then the reply must be that no one can answer with certainty even any part of the question, let alone the question as a whole; for in grouping together all these inquiries as if they were one inquiry, it implies that student "demands," whatever their character, must necessarily be useful simply because they forward social change and, more, that the future good of Columbia depends on the readiness of the University to concede their worth. Even before the spring term ended, machinery was put in motion to explore all possibilities of useful change in the structure of the University. And over the summer, under the guidance of the various faculty-student committees, much

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progress has already been made toward achieving greater student, and also faculty, representation in University procedure and decision. Too, the resignation of President Kirk and the appointment of Andrew Cordier as Acting President of Columbia promises a new administrative responsiveness to student and faculty opinion. None of these moves, however, provides any firm assurance that the University will be restored to peace or even, if it is peaceful, that it will be the better educational institution for what will have been altered in its structure and functioning as a result of the uprising. While social responsiveness suggests that the more that students and teachers in a University participate in its decisions, the more the institution will serve their best needs, in the actual educational outcome this may prove to be anything but the case. Some of the educational changes proposed by the students are on their face perilous to democratic education—for instance, a plan formulated by graduate students in political science that there be substituted for the traditional Ph.D. something called an "action Ph.D." in which the candidate, instead of writing a dissertation, might choose a street in some disadvantaged New York area where he would organize the residents for social-political activity. Patently, a proposal like this, far from freeing the University from old academic bonds, is asking for academic dictatorship; for how else, except by dictate, would one determine the correct social and political activity into which the poor of the city were to be inducted by these "action" candidates for a Ph.D.? As to peace on the campus, I should think that this has —finally—relatively little to do with reform of the University but depends, instead, on the course that will be taken by the SDS or other campus extremists.

For while one can surely say that without University change, or at least the clear expression on the part of the administration of its availability to change, the SDS would have an open field for its activities because of student restiveness, even the best administrative will is no guarantee against continued SDS subversion. The leadership of the revolution has not abandoned its original purpose. The rebellion having started in the wish to "shove" our society, as one sympathizer euphemistically puts it, and to "shove" the University as a significant part of the society, it is hard to suppose that the insurrectionary minority that initiated the disorders will now withdraw quietly in favor of a movement for University reform. On the contrary, it would seem to me that virtually in the measure that reform is accomplished and gives sign of satisfying a good portion of the students, the revolutionary leadership may put itself to the stimulation of fresh disorders on the campus and to forcing fresh confrontations, preferably of the sort that invite the use of police. It doesn't take very many people to design and perpetrate a provocation of authority. If the provocation is permitted to go unchecked, authority is gravely threatened. Certainly it is grievously weakened in the minds of those who look to its command. But if law is invoked, this means police. And by this time, with not only the campus busts but the experience in Chicago behind us, we know what we can count on from the police not only in terms of excess but in terms of popular reaction as a result of this excess. The New Left doesn't need the situation spelled out for it. Even in the eight months between the march on the Pentagon and the move against Columbia, even in the fewer months that have elapsed between the outbreak at the University and my present time of writing, the white revolutionary movement in this country has enormously gained in confidence and visibly perfected its techniques of disruption; it begins, not without justice, to feel that it has us all, the society as a whole and not merely a single university, considerably at its mercy. What more could it ask, for instance, than that on the largest public front, that of the nation, it should have managed to contribute as substantially as it did to the discrediting of one of our two major political parties? It may very well be, indeed, that what will save our universities will be the decision of the New Left to concentrate on larger than university fields, on acts of larger social disruption, leaving the universities to be only indirectly affected.

So those who welcome the Columbia uprising as a perhaps overly strenuous but yet required occasion in the reform of our universities may be clinging to liberal hopes that have no basis in the Columbia political reality. The Columbia revolution was not a liberal reformist revolution. It was not even a radical revolution in any sense for which we have been prepared in the political history of this century, which has taught us how to overthrow the unloved State and replace it with another—no new and better form of government, either for the university or the nation, has been described by this revolution. It is not even properly understood as a university revolution, though it took place at a university, badly hurt a university, even (eventually) may have produced some good for a university. It was an event in contemporary life, an event in the culture of our time, a revolution in and of modern culture.

And of that aspect of the cultural upheaval of our American time which was being presented to us in the Columbia disturbances, Mailer's *The Armies of the Night* is the best—and really superb —document. It might not make one's chosen companion during the disturbances themselves, when one had one's own consciousness to tune to circumstance; but no one can properly comprehend our general revolutionary circumstance who has not studied Mailer here in all his wisdom and folly, complexity and oversimplification, reasonableness and unthinkingness, vision and blind-

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ness, idealism and disgust, love and rage, amiability and fierceness, self-aggrandizement and humility, exaggeration and precision, absolutism and accommodation. It is a book of staggering ambiguities, of which the author himself openly proposes the one we can most readily comprehend: politically, Mailer tells us, but he also means culturally, for the cultural and political are symbiotic in him and even undistinguishable from each other, he is a Conservative Radical. *The Armies of the Night* is also something close to Tolstoyan, and strikingly unfamiliar in its wish to find resolution of ambiguity in the teachings of Christianity, about which Mailer is also, naturally, ambiguous. In sufficient humility but also in full exulting awareness of himself as player of a star public role, a person of many-faceted "image" for those of our young who are most irreverent of the past and distrustful of the present, Mailer joined the march on the Pentagon in protest of a war which he feels is the worst and most unjust in American history, a proof of the near-total moral sickness of a society that once had at least an intuition of God. What made the march a commanding act of conscience for him, rather than merely yet another among many all too wearisome and doomed exercises in political conscientiousness, was the plan to extend a legal demonstration into an act of civil disobedience, even of overt (though limited) insurrection. If one overstepped the boundaries of protest designated by the police, one could get oneself arrested, and the story that a "notable" had been arrested, perhaps beaten by the police, would make the headlines and the TV screens. The line that separates liberal and revolutionary opposition to the war would be made plain.

As it turned out, it was rather less easy than might be expected to get oneself arrested at the Pentagon. Equally eager but less skilled than Mailer on the field of battle, Robert Lowell and Dwight Macdonald never managed it —Mailer is gentle with their failure. And even the hippies, who remained longest on the scene and who can usually provoke the police just by the way they look, seem to have had to exercise some ingenuity in order finally to excite the full terror they attribute to the civic or national power—the hippie girls bared their breasts to tease the soldiers, many of them young boys, into some kind of direct assault. But throughout the Washington weekend Mailer found himself placed where reputation and temperament could best meet in service to the cause of peace. There were rallies, and Mailer likes to speak to big audiences. Unlike many left-wing intellectuals he has always preferred to address the potential many rather than the predisposed few—he stretches to exhibition like a professional athlete. He happily accepted the invitation to speak to a meeting on the eve of the march.

One had read about this speech in *Time*: how the famous author, drunk, traded not-to-be-mentioned obscenities with his audience. Mailer, to whom nothing in his own humanity is alien, gives an unedited report of the occasion. The speaker, it seems, had not prepared his speech; Mailer feels that to work out a speech in advance takes the cutting edge off the mood. His "fuck you's" and "bullshits" were *ad hoc*, like the politics to which he now gives his approval. It must have been a sudden providence—no, that is not right, it is not providence, certainly not Mailer's Christian providence, to which the existential revolution looks for guidance in its program of programlessness, but some intuitive knowledge of the fitness of things, of need and the fitting response to need—it must have been his nicest intuition of fitness, then, that suggested to Mailer the possibilities of political persuasion in his need to go to the bathroom and evacuate his bowels. Earlier in the evening, a pint of bourbon tormenting his bladder, he had missed the urinal in the men's room of the meeting hall; it had created a trenchant moment of struggle between the radical and the conservative in him, and this too Mailer now recounted to his audience.

On the platform with Mailer, Lowell and Macdonald were discomfited: the author of *The Armies of the Night* shows them to be more traditional characters than himself. They were the friends of the drunken orator, having to handle him in public without compromising their own acquiescence in the radical culture of our time, with all that the radical culture of our time offers in support of the radical dispensation in contemporary politics. Lowell, Mailer tells us, sat sternly aloof at the side of the stage: if you are put out of countenance, you avert your countenance, you look only within yourself, as a poet should. Macdonald, a critic and therefore less the private man than Lowell, made stumbling moves of public responsibility; they were calculated not to offend but to get Mailer off the platform. The situation must have been painful for them both, for both Lowell and Macdonald: one wonders in what light it presented itself to them afterward, when they were going to bed that night, or, more soberly, when they were shaving the next morning. But Mailer, describing it for us, manages not only to seal, as between himself and them, a political comradeship immune to such fortuitous violations. He also communicates his belief—and is it not ours as well? is it not the belief of all of us whose advanced politics are indissolubly wedded to the advanced culture of our time?—that he himself stands an important few paces forward of these more cautious, more traditional friends of his in the larger march toward freedom, the march that must continue past the shared Washington target. The scene is wonderfully written, no one now writing could match it. It is worth isolating from *The Armies of the Night* for its

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bearing on the outbreak at Columbia, the parallel it proposes between the cultural styles, the political styles, the moral styles, the life styles of the two events, that in Washington and that on Morningside Heights.

At Columbia it was Mark Rudd (but he encompasses, one knows, none of Mailer's ambiguities; he will never be a novelist) who launched the act of university insurrection with his letter to President Grayson Kirk. Addressed "Dear Grayson," it announced, as noted earlier, the intention of the SDS to destroy President Kirk's world, corporation, university. The letter concludes with the words of LeRoi Jones, "Up against the wall, motherfucker, this is a stick-up." Such was the opening volley in a barrage of violent and abusive language and behavior which was sustained throughout the disturbances. It was not alone President Kirk who was addressed as a motherfucker. Vice-President Truman was a motherfucker, Acting Dean Coleman was a motherfucker, the police were—naturally—motherfuckers, any disapproved member of the faculty was a motherfucker. Rudd's response to the mediating efforts of his faculty was "bullshit." In a Mediterranean importation, the revolutionary students spat at people they disliked, including senior faculty members. An old couple crossing the campus was shouted at: "Go home and die, you old people, go home and die." A law professor, my neighbor, walking with his wife near the campus gates, was gratuitously punched in the stomach by a passing student wearing the red armband of his militancy. President Kirk's occupied offices were ransacked, his personal correspondence photostated for campus broadcast. His waste basket was urinated in, the windows of his office were urinated out of. At a tense moment on the steps of Low Library a Barnard girl-demonstrator jumped up and down in front of the faculty line—the faculty were wearing their white armbands of peace—shouting "Shit, shit, shit, shit." In the police bust another girl-demonstrator bit a policeman in the stomach. A professor's papers were taken from his office files —they represented ten years of research—and burned: he was an opponent of the revolution. During the occupation of Mathematics Hall, it was debated whether or not its library should be destroyed; although this plan was decided against, quantities of notes and other personal papers were taken from various of the faculty offices in the building and scattered around the stairwell—because later, in preparation for the expected bust, liquid soap was spread on the stairs to deter the police, hoses had to be used and the papers became an irretrievable mash. The day after the strike began a member of the faculty who had helped persuade the President of the need for student participation in matters of campus discipline learned that the students were erroneously being led to believe that the membership of their new tripartite disciplinary committee was self-perpetuating; when he then went to a strike meeting of radical students and faculty to explain how in future the disciplinary board would be elected, his request for the platform was refused; he was told that the chairman, a faculty colleague, could "not take responsibility for the physical safety of anyone who came with such a message." The most gravely injured person in the two police actions at Columbia was not a student but a policeman—he was permanently paralyzed when a student jumped down on him from above. On a terrace overlooking the campus some students managed to lift a potted tree which they crashed down over the side of the terrace—this was in the bust of May 22, when the second attempt was made to seize Hamilton Hall; it was only by good luck that no one was killed.

A PRESS which could not have been more diligent in covering the happenings at Columbia, or less capable of getting to the heart of the situation, reported little of this to its public. Certainly it reported none of the obscenities: the proprieties of decent American middle-class life forbid it. But one has to ask what decent American middle class our public media can have in mind when they exercise this censorship. Where do they locate this propriety they are so intent on protecting? The phenomenon being reported on was not of the gutter. This violence and nastiness took place at an Ivy League university. The speech and acts that our newspapers and television hid from the public were the speech and acts of young people who supposedly represent the American educated classes in their most ardent desire to rid us of the indecencies of our present society. And one discovered that a decent proportion of the decent American middle-class mothers and fathers of these young people, as well as other energetic spokesmen for progress, supported them. Mr. (Lt. Col.) Rudd, father of Mark, strode the campus boasting his paternity; Mrs. Rudd, mother of Mark, gave the proudest and tenderest of interviews to the *Times* about how her son-the-rebel plants tulips in their suburban garden. Some 200 or so mothers and fathers of students at Columbia banded into a Committee of Concerned Columbia Parents to back their children and further harry the administration. Dwight Macdonald, who is supposed to loathe all violence, wrote his friends a letter of appeal for funds for the SDS and took it amiss when his friends, or at least one of them, wrote back harshly in refusal. And the Columbia clergy, with the exception of its Catholic officer, threw themselves with hearts bleeding and souls aflame into this newest movement of youthful idealism—it was the Reverend Starr, counselor to Protestant students and the most muscular of campus Christians (there was much for the Pentagon reporter to admire in him, appreciative as Mailer had been in Washington of the Reverend Coffin's split-second furious reflex

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when an officer of the law dared place the lightest of hands on the clerical arm) who manned the barred gates of Columbia one evening during the strike, exhorting the "community" to join Columbia's liberation classes and make the campus its own, while the adjacent streets blackened with rank after newly-formed rank of police. And in a parallel though less athletic manifestation it was Rabbi Goldman, counselor to Jewish students, black patch over an eye—it was injured not by the police but by a dissident parent at a Concerned Parents' meeting—who stood on the sidewalk that same threatening May evening sighing heavily and regarding with his one free eye, not his colleague the Reverend Starr and Starr's student-followers trying to incite the "community," but only and woefully the malign civic power. One of course knew of the Reverend Starr. It was he who had read a wedding service for a pair of demonstrators in occupied Fayerweather: "I pronounce you children of the new age." Tonight he was too well surrounded with student militants to be recklessly approached at his post, but it was to her enlightened co-religionist, the Rabbi, that a faculty wife, quite lost to humor, issued her invitation—no, I guess it too was an exhortation—that the Rabbi sit down with her for a liberation class of their own, right there on the 116th Street pavement; its subject would be the history of the Weimar Republic.

IT IS of some significance, however, that this style of white revolution at Columbia was not the style of black revolution at Columbia. It would surely go too far for a critic of insurrection to isolate the black militants as the heroes of the Columbia disturbances—after all, they were well forward in the insurrectionary column, they cooperated in the imprisonment of Acting Dean Coleman, they refused negotiation of the sit-in, and they are said to have expelled the whites from Hamilton Hall for more reasons than that of black separatism, because they felt that the white students would not use guns and gasoline, that they were not ready to die for the cause. Eventually the conduct of the black occupants of Hamilton Hall was nevertheless of a different stylistic, and therefore a different moral-political, order from that of the SDS-led demonstrators. The distinction necessarily includes the fact that all blacks in our society, even the most privileged, those in the universities, have ground for revolutionary feeling against American society such as no white college student has the right to pitch his tent on. But this is not alone what I have in mind here; I am talking of their actual conduct during the occupation, the way in which they made their existential occasion. These were serious people, these blacks, and they comported themselves like serious people. They were frightening—all demonstrated power not of one's own election is frightening—but they were serious even in their menace, and certainly in their stance. They were not cosseted middle-class boys playing violent games whose consequences they felt there was no need to assess. For them the authoity of the white world *is* an illegitimate authority, it is not the parental authority despised as much or more for the gifts it so prodigally gives its fortunate white children as for the inequities it tolerates and for its concealed ambitions and intractability.

A day or two before the police action of April 30, an emergency meeting of the joint Morningside faculties—such meetings are unprecedented but this was the second within a week—had appointed an Executive Committee of the Faculties, ten senior professors who then co-opted to their Committee two members of the non-tenure staff, to examine the need for reconstruction of the University and to try to bring peace to the campus. In the next days and weeks this Executive Committee interviewed as many as possible representatives of campus opinion, including several black militants, one of whom was asked to speak to the similarities and differences between his position and that of the SDS. I had report of his remarkable response. The SDS, he said, wanted to "apply a gangrene" to American society in order to destroy it, and he was opposed to this. What his group wanted was to "test the tolerance" of the society—he meant this, he said, in a physical, not a social sense—to see how much play it allowed. The black students had occupied Hamilton Hall because they wanted to be inside a society that excluded them, but they wanted to keep the society in good condition for themselves, and this was why, if they could help it, the black students would in no way harm a building they occupied.

AND INDEED Hamilton Hall, unlike the buildings that were held by the white students, was undefaced when it was evacuated, the refuse of the occupation was for the most part stacked in containers, no office or classroom had been disturbed, no file broken into. (The black students had also held a dance in Hamilton while they occupied it. A white passerby, hearing the music from behind the barricaded doors, could comprehend with some poignancy the emotions of exclusion for color.) It is of course possible that Professor Kenneth Clark, in his long hours of talk with these black students, had spoken to them of the necessity of decorum and of the practical advantages to be gained if they continued in the dignity they had shown ever since they had rid the hall of the white demonstrators. But I doubt it. I doubt the situation required any such appeal. I suspect that these black students had already early in their militant careers proposed to themselves the argument from self-respect: it has something in common with the argument from idea. In the course of the Columbia disturbances note was taken by various members of the faculty of the fact that a

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high percentage of the student extremists were honor students; four, I think, were elected to Phi Beta Kappa while they were engaged in the sit-in. And it was commented upon by a historian that this was his first knowledge of revolutionaries on fellowships—also, for that matter, of a strike in which its salaried participants were kept on full pay. He spoke in wryness, of course, but not in bitterness. Such is the affection in which most university teachers hold their students that there was little bitterness against the demonstrators even among conservative faculty. But except for younger teaching staff—preceptors, readers, research and lab assistants—whose future is not necessarily tied to that of the University and those few faculty who automatically subscribe to any radical action whatever the form in which it offers itself, the Columbia faculty seemed at times to be almost as much distressed by the lack of idea in the revolution as by its methods. Though they might support the strike, those who had the education of these striking students in their charge lamented the failure of *thought* on the campus, tried, when the situation had quieted a little, to supply it where it had been missing in the emotional heat of the rebellion. No one, however, accused the black militants of scorning thought, no one at any rate who saw them as they actually were. Respected for their self-respect, the black students were also held in regard for what self-respecting and dignified conduct can promise in the way of thoughtful political conduct. Intransigent the black students at Columbia assuredly are, but they are concerned with racial, not personal, definition. And black racial definition in a white-dominated society is an enterprise of more than "existential" interest.

The blacks kept separate on Mailer's occasion too, which, I should guess, upset him more than he admits. And the reader misses their presence in Mailer's book—it would be interesting to know whether black militant behavior is now everywhere as orderly and impressive as it was at Columbia and one has a natural curiosity about the style in which these black separatists now conduct themselves among themselves: how much and what kind of talk they carry on; whether their "participatory democracy" is an actuality or only a form of manipulation by their leaders; how much, if any, humor they bring to their revolutionary occasion. The talk in the buildings occupied by the white students at Columbia was apparently marathon; one hears of the endless debate and putting-to-the-vote as the leadership reported on new developments, new steps in negotiation, new strategies and prospects. From information that now emerges there is reason to believe that this non-stop discussion of how the sit-in should proceed, on whether a new offer of mediation by the faculty or a new proposal by the administration should be accepted or rejected, didn't necessarily refer to the actual terms that were being presented to the leadership for consideration—unquestionably as a participant in the democracy of revolution one fully exercises one's franchise, but there is some question whether one always exercises it on the point that is actually at issue. As to humor, one must wonder if contemporary black revolution can conceivably be as humorless as contemporary white revolution—in the Marxist 30's it was, of course, marvelously funny, at least among literary intellectuals.

The humor or, more precisely, the wit in Mailer's Pentagon report is abundant and most attractively wicked, particularly in the scenes with his fellow writers. But it is Mailer's wit; no one with him in Washington seems to have made a contribution. His brilliantly caustic and entertaining portraits of his fellow notables introduce into contemporary literary practice something which has scarcely been its recent freedom: the right to treat one's political and intellectual acquaintances and friends as if they were live and breathing human beings, quirky, deficient, ostentatious, vain or redundant, deserving of one's malice no less than of one's comradeship, and not simply as if they were mere bundles of political rectitude or its failure, to be labelled and shipped off for the final moral weighing-in. His own ignorant army, however, was apparently as humorless as the army with which it clashed—this left a rather considerable hole at the center of the Pentagon adventure, which presently filled with ugliness.

It may of course be the balance that Mailer is able to hold between grimness and gaiety that accounts for his final hesitation before the revolution. At any rate, his book makes a curious ideological case for humor, tracing a connection between humor and obscenity, on the one hand, and politics on the other. "There was," he writes of himself, "no villainy in obscenity for him, just—paradoxically, characteristically his love for America: he had first come to love America when he served in the U.S. Army, not the America of course of the flag, the patriotic unendurable fix of the television programs and the newspapers, no, long before he was ever aware of the institutional oleo of the most suffocating American ideas he had come to love what editorial writers were fond of calling the democratic principle with its faith in the common man. He found that principle and that man in the Army, but what none of the editorial writers ever mentioned was that that noble common man was obscene as an old goat, and his obscenity was what saved him. The sanity of said common man was in his humor, his humor was in his obscenity." And he adds: "And his philosophy as well—a reductive philosophy which looked to restore the hard edge of proportion to the overblown values overhanging each military existence." One wants to pause on that "unendurable fix" of television and the newspapers: surely Mailer must understand that the real cor-

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ruption they work on the American spirit is not that of inspiring us to a suffocating patriotism but, rather, of leading us to, and fixing us in, false and vulgar personal and social values, to the point where even our acts of dissent, such as an illegal move on the Pentagon, are planned as a seduction of the "media." Mailer himself admits, though only well on in his book and with a disarming sheepishness, that throughout his Washington weekend he had a special (British) TV crew at his side recording his every most pictorial possibility. But notwithstanding: No statement could be sounder than this of Mailer's or probably more accurate of the America Mailer got to know and love in the Army. But the armies of our present night (he would agree) represent a different America, on both sides of the Pentagon steps, and on Mailer's side the batallions produced not a single intended joke, not a single moment or slogan of natural American fun, of natural and native obscenity, certainly not of the kind that would have been bound, in the ideological revolution of an earlier decade, to have done the job of restoring the hard edge of proportion to one's own enterprise too—"Intellectuals of the world, unite, you have nothing to lose but your brains!" Mailer's obscenities may not have been prepared. But they were calculated. Similarly at Columbia the baptism in obscenity was calculated. This makes the obscenity phenomenologically different from the old-goat obscenities of Mailer's noble common man in the U.S. Army. The saving sanity of Mailer's report, in fact, is not its obscenity but, on the contrary, its complex (if not always reliable) intelligence. For the complex intelligence there is nothing saving about obscenity, unless perhaps as it is used to assert a bond with the non-complex intelligence—and this, obviously, is a motive less complex than it is sentimental. Reductive Mailer's or anyone's use of obscenity can be and is, this is sure. But used by educated people as a weapon in the cultural-political war, it can backfire and blow their own saving values instead of reducing the overblown values against which it is directed.

MANIFESTLY, THE rhetoric of the Columbia revolution was meant to deflate the University establishment. To call the President and the Vice-President, the Deans and the faculty of one's university motherfuckers is no doubt meant to restore the hard edge of proportion to the overblown values of the university authority, and of all established power. But obscenity and humor had not even a nodding acquaintance with each other at Columbia, except as an occasional much-beset professor looked to them in consort, but perhaps on too much impulse to mimicry, to save his sanity: the professor, for instance, who decided that the insurrectionary students were "Alma Materfuckers." Obscenity did, however, make the necessary tie between cultural and political intention, even between artistic and political intention. And it brought in its wake a perceptible sentimentality—it too has its necessary place in a politics based in culture—such as one finds in Mailer's appeal to the rock-bottom Americanism he shares with his beloved GI's. Suddenly there was much talk at Columbia about "fathers": how there weren't enough of the right kind of fathers on the campus, and how the fathers should have been where they were not. If one had been shaken by the internationally-publicized presumption of the undergraduate demonstrator who had been photographed sitting in the chair of the University's Top Authority, his feet on the desk of the Top Authority, smoking the Top Authority's cigar, one was even more to be startled when the same student, fresh out of jail a few short hours after the first police bust, grabbed an immediate phone to demand why one's writer-husband had not been present to protect the writer-student against the police. This was revolutionary score-keeping, make no mistake. Its tone couldn't have been nastier and it spoke of guillotines or their later historical manifestation, the concentration camp, the knock on the door in the night—indeed, the writer-professor's wife, who in her husband's absence had taken the brunt of the student's charge, was herself soon well up on the list of those who, come the tribunals of the young, would never be missed. But it was also—or so it sounded to one's third ear—the wail of a child coming out of tantrum, when, before he takes quieter, crueler stock of his new-found power, he touches home base, makes a sentimental ploy of the family sentiment.

Yet the analogy to temper tantrum is a dangerous one. It sets up vibrations from a world of easy psychological explanation of phenomena, both social and personal, which are not to be written off by quick accustomed reference to, say, the excessive permissiveness of our culture, or to the lack of sufficient parental supervision and discipline in the modern home, or to the too-great affluence of our society which is supposed to spoil our children. No more than we can properly explain Dr. Spock's illegal public action against the Vietnam war in terms of a permissiveness he has himself tried hard to keep in proper dimension in his lessons on child-rearing, or no more than one can sensibly interpret the uprisings in German universities as having been caused by the excessive permissiveness in German upbringings or in German schooling, can one seek recourse in these familiar easy explanations of the present-day nihilism of the American young. To its credit, the Columbia faculty did not take refuge in prepared psychological positions. It was the administration—and this was more than a deficiency of human insight, it was a failure of social understanding—that gave sign of regarding the sit-in and even the sudden new voicing of student complaint as if it were a tantrum, best handled by

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being ridden out with no show of parental affect. The administration failed, actually, to understand that even a tantrum, however undesirable as a mode of communication, is still a mode of communication—it says something, usually something we are not ready or pleased to hear, that must nevertheless be listened to.

As the chief parental figures in the campus situation, the Columbia administrators were indeed fathers in an anxiety dream—uncomprehending, unyielding, there but unreachable. To the obscene and fierce rhetoric of student power they opposed the gray grinding rhetoric of establishment power: power threatened, power now suddenly uncertain of itself, benevolently-intentioned power, but power nonetheless, most jealous for its preservation without interference from the citizens on whose behalf it is exercised. This scarcely makes for pride on the part of the constituency, and one could only be puzzled at how it had come about that these decent benevolent men, these conscientious hard-working heads of what had been truly a family, and a reasonably contented family at that, could all at once be revealed as so inadequate in speech, so remote from those they were meant to guide, so insensitive to the internal stresses to which even the most contented family can be liable, so poor in the imagination of our present-day tormented culture.

From the rhetoric of President Kirk and Vice-President Truman one might have thought that what was happening at Columbia was a wholly egregious instance of unrest and social rage, that the world inhabited by Columbia was only harmonious and balanced, and that the future course of the University, as set by themselves in decency and good purpose, was unavailable to question, like a contract binding on all men of honor. It is total error to ascribe "racism" to the Columbia administration: these are men of good if old-fashioned social principle, for whom the construction of a gymnasium to be shared by the University and Harlem was embarked on to put good social principle as they understood it into practice. It is total error to charge them with being the instrument of a war-making government: no one was forced or even "influenced" to participate in the research projects of the IDA, and the University's membership in the consortium was never allowed to interfere with the free expression of anti-war opinion on the campus. When Noam Chomsky, the distinguished professor of linguistics at M.I.T. and a passionate opponent of the Vietnam war (he was one of Mailer's "notables"), came to Columbia during the month of May to take part in one of the panels set up by faculty, he was booed for saying no less for the freedom of dissent permitted him by his own university, also a member of the IDA. The public meeting rooms of Columbia have always been open for anti-war rallies, and a recent day-long moratorium on classes in protest of the war was fully accepted by the administration; the administration has also backed the faculty in its refusal to give the class standings of their students to the Selective Service. Again, it is total and willful error to accuse the administration of wanting and inviting police brutality. The fact that the administration bypassed the faculty in calling the police indicates only its inanimate readiness to bypass the faculty, not any cruel intention toward the students; the faculty had itself accepted the idea that it might finally be necessary to take the step. The outrage perpetrated by the police on April 30 was evidence perhaps of administrative misjudgment or misinformation. It requires four policemen to remove a person who physically, even passively, resists removal; the administration believed, and had told the New York police, that there were only a few hundred students in the occupied halls when by that time there were more than 700. But the administration is not to be held accountable for the private rages of the men who enforce the law. It abhorred calling the police but, rightly or wrongly, thought it was unavoidable and that the faculty was only making matters worse by delaying the police confrontation that the demonstrators so intractably insisted on.

But neither President Kirk nor Vice-President Truman was present, physically and observably present, on the campus when the police went into action—and although Dr. Truman explained that the police had asked them not to appear, their absence perhaps suggests in greatest brevity their disconnection from the actual life of the campus. They were incapable of looking at, *seeing*, what really was happening at their university as in their present-day world. They had never perceived the need to set up any apparatus for discourse between students and administration. They seemed to be unaware of any difference between the students they had once addressed and the students a university administration must address today; any difference between the culture in which the University had once functioned so comfortably and our present tortured culture. It was not only that they were unable to speak persuasively to the revolutionaries—who could? yet the attempt is of course required, and required again and yet again of people who propose the life of reason, and perhaps had there been an overture of genuine respect and concern earlier in the day it would have made a difference, not with the SDS, of that one can be fairly certain, but at least with its less extreme followers. They were also unable to speak persuasively to the yet-uncommitted general student population or even to the "jocks," the college athletes who, as part of the Majority Coalition (as it was called) of students opposed to the sit-in, constantly tried to take matters into their own hands, even threatening to break into the buildings and themselves remove the occupants if the

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University continued not to act. It was faculty and younger administration who circumvented this miserable prospect, much as they circumvented the potential crisis of Kenyatta's visit to the campus and of the march on Columbia of a group of high-school students who wished to widen a day of opposition to the war to embrace opposition to Columbia: the faculty invited these youngsters on to the campus and managed to make a (melancholy) picnic out of what had promised to be a freshly-disturbed scene. Strategies such as these are of course not readily accommodated in the traditional view of authority even when this traditional view is modified by benevolence.

EVEN IN relation to the faculty, with whom the administration had lived on amicable terms, administration feeling was not trusting but defensive. This was a lamentable mistake, though understandable, I suppose; after all, if you are in authority yourself and fail to perceive the degree to which your culture is in conflict on the problem of authority, you are bound to believe that whoever lends an ear to the attack upon authority is attacking you personally. There was much unsuitable reference to faculty loyalty. The Vice-President went so far as to name, in a public interview, some of the professors he felt were sufficiently loyal. And faculty loyalty, which obviously includes the recognition that the unrewarding dull endlessly-detailed practical work of administering a vast institution has to be done by someone and thank heaven it isn't the professors, was in fact increasingly strained by the humiliating discovery—it required no effort to make it—that in the eyes of the administration it is not finally the students and their instructors who constitute the living core of the University but, apparently, the administration itself. Tireless WKCR disseminated administration statements as it disseminated the ceaseless pronouncements of revolution, of dissent, or of just plain confusion. It was not only on a single occasion that the faculty was to learn that for Vice-President Truman, himself only so recently a teaching colleague, the Columbia faculty had now suddenly become to all effect a paid convenience—the most shattering instance was when he was asked by the press what the administration would do if there were another sit-in and the Vice-President replied that he didn't know, perhaps they would have to call the police again or perhaps they would "use the faculty." The faculty had never proposed to be "used." Whether or not to good purpose, it had acted in conscience, in independence, in honor, on an initiative it felt it had the right to claim. The inference of the Vice-President's allusions to the faculty was not to be missed: it was not alone the expression of student will that the administration would wish to deny, it was also faculty will, all will except its own. It is not necessary to subscribe to the concept either of student power or faculty power to reject the concept of administrative power—there came the moment, the many moments, when even faculty thoroughly critical of the demonstration could say, "My God, the students are right."

And as it had become only tedious to try to discriminate between the President and the Vice-President as the source of the views that emanated from administration, so it became futile to try to figure out when it was that these University officers spoke in their own persons and when they spoke for the Trustees. No sooner would the faculty make its wishes known on, say, the subject of University discipline or the subject of the gymnasium—obviously construction should be halted; simple common sense dictates that when your gift is not wholly acceptable to people you don't force it on them—and no sooner had it become convinced that now at last it had the administration's agreement, than an official counter-announcement would be made contradicting the announced new administrative position. Day to day the official "line" on the gymnasium shifted: now the gym would be halted, now the whole subject would be re-investigated, now construction was being only temporarily stopped. Similarly with the Joint Committee on Disciplinary Affairs, a committe of seven students, seven faculty, and three members of the administration, whose formation was the first solid gain in campus reform as a result of the uprising.

ONE WOULD suppose that in our period when the young come at least to social and sexual if not to intellectual maturity so much faster than they once did, it would not take a great deal of argument to persuade an administration that university students cannot be treated like children answerable only to the grown-ups for their conduct. But there were statutory powers not to be so quickly yielded, there was insistence on the right of the President to ultimate word on campus discipline. No more than one knows whether any response of the President's was his alone, one has no way of knowing whether this represented a personal indisposition to relinquish parental authority, or whether in fact it followed on a directive of the Trustees taking refuge against change in the inviolability of the University charter. The role of the Trustees in the handling of the Columbia disturbance is a record yet to be fully divulged, but it is hard to believe that at the time of the uprising their understanding of present-day student feeling was any firmer than that of the administration. They were even more—indeed, much more—remote from actual feeling on the campus than the President, their minds occupied with the management and financing of the institution rather than with the emotions of its students. They had never met with faculty until the

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upset at the University forced faculty opinion on their notice; since the uprising, a committee of Trustees has frequently met with the Executive Committee of the Faculties, and the Trustees as a body give sign of learning—it must be a stringent education—that the world they govern is not necessarily ordered by the plan they think the right one. The arrogance of power that they first exhibited in the disturbances, however, will not soon be lived down on the campus. The folly of supposing, as some campus radicals seem to, that a great private institution need pay no respect to the money that builds and equips its buildings, pays its faculties, takes up the slack between student fees and the actual costs of education, is matched only by the folly of supposing that money still speaks in our society with the moral or even practical authority it once did. It was early in the revolution that a member of the Executive Committee of the Faculties undertook to instruct the Trustees of the University, these practical and powerful men of affairs, in the now long-available knowledge that just as the industrial revolution brought into being a conscious working class with "grievances" and "demands" and "interests," so our cultural revolution has brought into being a new class, youth, with its special demands and interests. Only a short time has elapsed since this pilot lesson. But it already appears that the Columbia Trustees, who last spring at the height of the disorders could recommend a professional public-relations man, Sydney Baron, to fashion the language in which the head of Columbia would address his disturbed students and faculty, are no longer this disoriented. The new Acting President of the University steers a different course from President Kirk's, and so far with no sign of conflict with the Trustees.

But faculty, too, suffered its disorientation in the uprising, and of a subtler and profounder kind than that of Columbia's administration and Trustees. If in recent decades liberals and radicals have been able to coexist in sufficient harmony, the happenings at Columbia suddenly made it clear that this was no longer feasible: one had to locate political opinion of the Left within a quite new spectrum. As in most of our universities, the faculty at Columbia is generally liberal in its social and political sympathies. But the social and political message of the revolution was anti-liberal. The sit-in was anti-liberal in its lawlessness and in its refusal of reasonable process. It was anti-liberal in its scorn for the entire liberal good-will with which the largest part of the faculty tried to meet it. In fact, the demonstration was a demonstration *against* liberalism—more (if the two can be separated for purposes of comparison) than Mark Rudd's "bullshit" expressed a lack of personal respect for his teachers, it communicated the contempt of the revolution for any embodiment of liberal purpose, liberal hope and confidence such as the faculty predominately represents. This anti-liberalism of the rebellion not only carried the moderate students who came to its support rather further in political action than they perhaps realized; it also destroyed—it may be, only temporarily—the old friendly relation between liberalism and radicalism on the campus. Such common ground as they may have had in the past was now apparently to be permitted neither of them—in real effect what the revolution demanded was that one choose between a conservative, even retrograde, view and the view of the insurrectionary students. Some few faculty members might be prepared for the choice and even exult in its being forced on their liberal friends, but the great majority felt they were being deprived of a position for which they were offered no acceptable substitute and without which they had no bearings.

In the months that have passed since the Columbia outbreak, this campus dilemma has of course spread throughout the nation. It is the undertaking of the New Left to overthrow our society and in the process it means to destroy any common ground among Democrats, even left-wing Republicans, liberals, and radicals, and to push the population into an extreme polarization between reaction and revolution; and it has succeeded in its plans better than it could have dreamed it would before the Chicago convention. The extreme Left never really supported Senator McCarthy but it welcomed his presence as a divisive force in the Democratic ranks. If he seemed, temporarily, to be returning the disenchanted young to legal political participation and even to be uniting certain quasi-radical elements in the population with the liberals, the New Left understood that this could not last even under the best of circumstances, those of quiet defeat, and certainly not under the bad circumstances that they themselves had it in mind to create. In France, student disorders, while promising necessary academic reform and providing an impetus for a strike that won much-needed economic gain for the working class, had restored de Gaulle to power and frustrated hope for a more liberal regime. At Columbia, liberalism had suffered as much damage in the uprising as the institution itself. And before that, in Berkeley, when the New Left movement was still young, the campus disorders had brought about the election of Reagan as the Governor of California and the resignation of the liberal Chancellor of the University, Clark Kerr, a consummation in which the New Left had mightily rejoiced. Johnson would not have had to maneuver as triumphantly as he did to unman Humphrey, or Humphrey conspire as disastrously as he did in his own emasculation, for the New Left to know that, given enough dis-

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order in Chicago, the Democratic party and, with it, the country would be presented to the world as offering the American people only a most extreme choice, between Nixon (or even Wallace) on the one hand and revolution on the other. Mayor Daley's contribution to the occasion, the violence with which he met the long-planned provocations of the New Left, was merely the devil's crown to an already-prepared achievement. After the hideous police action in Chicago, the liberal McCarthy, like the liberal Columbia faculty after the police bust of April 30, was properly outraged. But, also like the liberal faculty, he failed to hold two ideas in his mind simultaneously, or at any rate to announce two ideas simultaneously and with equal force—in his public statements, McCarthy condemned the shocking operation of Daley and the Chicago police, but he failed to condemn the New Left for deliberately designing an action that would provoke the use of police and invite excess. And by neglecting to perform this job of education that was mandatory for someone in his position—by, in effect, disavowing the party organization and its works but failing at the same time to disavow the revolution and *its* works —he, like the liberal faculty at Columbia, bowed in significant degree to the view of the New Left, that any liberalism which means to go forward with history, as opposed to a liberalism in thrall to the establishment, has no move to make except to dissolve into the arms of the revolution. Of course what other path a vigorous and on-going liberalism must take in our present situation, where the democratic establishment has so overtly shown its bankruptcy, is now far from easy to chart. But at least this much should be clear: If liberalism lacks the fortitude and intelligence to stand up to the New Left, if it deceives itself that the principles of liberalism betrayed by our present democratic establishment now depend for their preservation on support of the contemporary revolution, it will have a major responsibility for the triumph of reaction in this country. A simple dependable guide to liberal intelligence and fortitude is available, of course, in an examination of the morality of the revolution as this reveals itself in its actions and even in its rhetoric. Obviously the correction of the evils of contemporary society is no more to be found in lawlessness and licensed rage on the part of our radical population than in lawlessness and licensed rage on the Right.

IT MIGHT have helped McCarthy, inspired as he was in his campaign chiefly by opposition to the war, to a clearer assessment of the Chicago demonstration if he had known how little part the Vietnam war played in the Columbia uprising. Of all problems now confronting America, surely the war is the one that brings liberal teachers most into conjunction with their dissenting students. Had opposition to the war been a major issue in the Columbia protest, the Columbia campus would have looked like Central Park on May Day. But the Vietnam war, whatever the share it undoubtedly has in creating present-day unrest in this country especially among the young, was as little a determining factor in the uprising at Columbia as in similar disorders in countries not involved in the war: France, Germany, Italy, Mexico. Naturally, Vietnam appeared in the oratory of the Columbia revolution. But only ritualistically, not as a major concern. Even the demand that Columbia sever its connection with the IDA was intended to emphasize the identification between university power and government power rather than the actuality of our Vietnam engagement. During the strike several participants in the panel discussions on the campus, Stuart Hampshire, Stephen Spender, Jean Floud, Noam Chomsky, made the point—it was received with some apathy by their audiences—that students today tend to confuse their university citizenship and their national citizenship. Because they are aware of the acute problems with which the nation deals wrongly or insufficiently, they involve themselves in action within their universities which conflicts with their interests as students and endangers their educational institutions. The speakers were at great pains, however, to explain that they were not urging the students to forsake all political activity, and they particularly stressed the entire appropriateness of student protest of the war. But the revolution obviously took a different position. It was as if the war were not real for them, or real merely as a subordinate charge in their indictment of the social authority. It was realer than this for a liberal faculty much worried lest suspensions of students might lead to their being drafted.

The readiest explanation of the disappearance of the war as a campus issue is, of course, that in the weeks just before the Columbia outbreak President Johnson had made his peace speech and the Paris peace talks had been initiated. Too, with Senators McCarthy and Kennedy in the field, the prospect for a peace candidate in the presidential elections was (for the moment) much improved. Yet, the draft continued, the war continued, Americans and Vietnamese still were dying in quantity. Students who would soon be graduating could have no confidence that they would be able to go on to graduate school. Something other than the hopeful turn in public affairs had to account for the relegation of the Vietnam issue to virtual obscurity—and this, one must reason, was the reluctance of the revolution to emphasize a cause it shared with liberalism and moderation; its refusal, that is, to join up with campus forces of the kind, the liberal kind, the pacifist kind, that in Washington swelled the ranks of protest but then backed away from actual assault on the Pentagon or settled for peaceful arrest. The small importance of the war in the University uprising was another, negative but most telling, way in

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which the revolution communicated its contempt for liberalism, adding to the already-sufficient store of guilt and insecurity that a liberal faculty brought to this occasion of trial. If even its opposition to the war failed to validate liberalism in the eyes of the Left, or in the eyes of the young, surely to be "merely" a liberal must be to be morally retrograde and retrograde to history.

THE OFFENSE, personal, moral, intellectual, suffered by the Columbia faculty in the uprising was momentous. It is to be thought of only with pain. Pride dictates that insult of this degree be shunted off from consciousness, or at least not spoken of. If Columbia has pioneered the future of the universities of this country and there are to be other insurrectionary uprisings on our campuses, we can suppose that the loneliness consequent upon rejection by those one has well-loved will be somewhat dispelled for the University teacher, as it seems to be rapidly being dispelled, or at least alleviated, for the rejected parents of our time. Of course it was not only the Columbia faculty that had this hidden knowledge of insult. Everyone who was not of the revolutionary faction had offense to suffer, not teachers alone but the administration even more, and, one can guess, the non-revolutionary students: one of the lessons taught in the uprising, and one which bears on that old question of why "the center cannot hold" against anarchy, is the speed with which whatever makes its appeal to immediate and direct action attains emotional advantage over whatever is committed to the slower and more passive (as it would appear) process of reasonableness—how to activate decency and teach it to stop feeling deficient and humbled because of its low quotient of drama is patently one of the urgent problems of modern society. What makes the terrible near-endemic ache of contemporary parenthood, especially in our most enlightened homes where parental love and hope are so regularly and casually and, in most part, inexplicably flouted by children grown to a sudden harsh scornfulness of which their parents could have had no expectation, was now suddenly the experience of university professors who also could have had no expectation of such an unprecedented violation of natural feeling—does it not almost amount to a mutation in the species? —and who indeed had believed that they were perhaps the single remaining bridge between the dissident young and their elders. And what had built this bridge except liberalism? What had made the special tenderness of the teacher for the young except the teacher's commitment to social continuity, social improvement, all the vaults of imagination and feeling that define the liberal enterprise? There were emotional breakdowns among the faculty due to the disturbances, several car accidents attributed to exhaustion. It is a fair conjecture, I think, that had the administration behaved better, had it shown more sensitivity, if not to the radical position of the demonstrators, at least to the feelings of the student population in general and thus left the faculty with nothing to be angry at—nowhere to stand except at the administration's side, looking together at the deep and perhaps permanent chasm that had opened up between themselves and a generation in such newly-bitter revolt against them—had this occurred, the toll in health might have been considerably more severe.

But this is senior faculty I speak of. Junior faculty, non-tenure faculty, preceptors, readers, teaching assistants, research and laboratory assistants, are most of them still of an age to depart from their elders rather than be departed from, to reject rather than be rejected, to ask rather than give tenderness, to demand rather than share or cede power. Not that they had been demanding power at Columbia before the uprising and been refused their due share: the possibility of improvement in their status came to them only by student example and in the strangeness of the situation. There is irony in the failure of political forethought involved in the welcome of junior teaching staff into the shaky councils of the Ad Hoc Faculty Group during the sit-in. Anyone had a vote in these loosely-organized faculty meetings, anyone could tie a white handkerchief around his sleeve and join the faculty cordons at the occupied buildings: the younger, the sturdier. In this sudden heady alteration of status, the non-tenure staff decided that if it could assist in faculty emergency, it could demand full share in faculty decision—one form (but perhaps it is not to be generalized from) in which this particular "radicalization" proclaimed itself was in the unsmiling question put to a senior professor by a much-junior colleague: there being a scarcity of chairs at a meeting, must the junior rise for his senior? As I write, the junior staff is busily formulating its corporate right, equal with that of senior professors, in the shaping of departmental policy and in decisions on appointments and promotions in a university to whose future they bring only such sense of responsibility as they may have as individual persons.

And yet how are we to know—the question bears in on one with an always increasing weight —the proper character in which responsibility now announces itself, or should announce itself? How do we even know that we will recognize it when we see it, since it may show a wholly unfamiliar face? For many among the educated classes, the right aspect of responsibility has for long been a centrist moderation, a cautious mature deliberation in the implementing of social ideals; it has been difficult to envisage responsibility in any other way than this, which is the liberal way. But an inescapably more urgent sense of

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our public dilemmas and of the extreme inequities that are permitted to exist in what is called a liberal democracy makes it always less possible for us to be content with our habitual knowledge of what responsibility looks like. It becomes harder and harder, almost with each passing day, for liberalism itself to insist on the old description with which it was once satisfied, or to claim that it has been adequate to the tasks it undertook. We caution against capitulation to the revolution designed by the New Left, point to its violence and ruthlessness, warn whoever deceives himself into supposing that it represents a movement of progress that it has no program to which people committed to the reconstruction of democracy can pledge themselves, underscore its clearly-announced goal of destructiveness and the methods it employs to achieve this goal, methods that inevitably and with the revolution's full understanding and complicity give aid only to the forces of reaction and repression. But surely we can caution no less against the comfortable assumption that liberalism has only to shine up its old medals and resurrect its old rhetoric of responsibility to be equal to the actual responsibility that now devolves upon it. To deal only with campus problems: Would the useful changes now being instituted at Columbia, would even the change in administration, have been this quickly accomplished without the violent disruptions of the uprising? No one, I think, can honestly answer this in the affirmative. There wasn't that much quiet will for change. This gives substance, surely, to the claim that revolutionary action is required to improve our society; and here liberalism must take its share of blame for the disorders. By confusing quiet and reason with quietism, by buttressing legality with inertia and complacency, liberalism earns its present poor reputation on the campus. But it will suffer more than disrepute, destruction, if in admitting its deficiencies it either rests with these as its cozy guilt or, in its desire for revitalization, takes the revolution as its alternative.

And so through the month of May, in dissension and anxiety and confusion, with no resolution of these terrible conflicts of the modern world that had suddenly been brought to the campus, the University struggled to maintain at least a semblance of its accustomed life. Yet of course resolution of a kind, temporary, unreliable, uneasy, was approaching with the end of the term and graduation. Commencement was scheduled for June 4. There had been no regular classes in the College or even in some of the graduate schools since April 23—how were students to take examinations and be graded? This problem was resolved by the decision to call off final examinations and to give all students a grade of either Pass or Fail according to the work they had done before the disruptions; should a student desire a more precise grade he could arrange with his instructor for a private examination. Less encompassable was the problem of discipline, of suspensions. The newly-formed Joint Committee on Disciplinary Affairs had had little time to construct a body of law and begin functioning. It was May 9 before it could make known its new rules for student government: a first student offense was punishable by probation, a second by more severe penalties—suspension or expulsion. Whoever was charged with offense would be summoned to appear before the Dean of his School to learn the charge that had been made against him and the punishment that the Committee had assigned to it. If the charged student denied his guilt or even stood mute before his Dean, his Dean would bring the case (if he had enough evidence to support a case) before a tribunal of his School, composed, like the Joint Committee, of representatives from the student body, the faculty, and the administration. And from the decision of this tribunal the student might again appeal to the Joint Committee itself.

There were hundreds of summonses arising from the disturbances, they could not all go out at once. The first of them went (unstrategically) to the leaders of the insurrection and (sensibly) to the offenders in the senior class whose graduation depended on disciplinary clearance—it had been arranged that no offender would be denied graduation; if he answered his summons he would be put on probation or suspended only for the few days that remained to the term. But a great many of these students were also awaiting action against them in the police courts on charges arising from trespass and resistance to arrest. The demonstrators had their ready legal advisers—there was always plenty of legal assistance available to the students and money for bail. For the most part they refused their disciplinary summonses. Now all at once the Columbia air became thick with talk of due process, double jeopardy, indictments unsupported by legal evidence—none of the students with whom I happened to talk had troubled to read the body of law constructed by a Committee created on the students' own demand for participation in their governance—and this agitation would continue and increase throughout the summer, abate in fact only partially when the new Acting President would call on the District Attorney to dismiss the charges that arose out of simple trespass and when he would grant clemency to a good proportion of the demonstrators, those charged with only a single offense. The SDS, still led by the now-suspended Mark Rudd, would settle for no less than total amnesty.

Such was the heavily-laden atmosphere into which the University moved with its plans for Commencement. Usually, if the weather permits, graduation exercises are held on the steps and the

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plaza of Low Library. The administration decided that this year it would be unwise to have the ceremonies outdoors where they might be interfered with by the same people who had given the police all they could handle on the morning of May 22, when the second move had been made on Hamilton Hall in protest of the disciplinary actions stemming from the sit-in and had provoked another fierce confrontation with the police, with even greater brutality on the part both of the students and the police. Instead, they transferred the graduation ceremonies to the Cathedral of St. John the Divine, four blocks away, where in the past they have been held only in case of rain.

Rumors at once began to fly through the neighborhood of new and extraordinary violences being planned by the SDS to disrupt the exercises in the Cathedral: tear gas, stink bombs, secret torments being prepared in secret basement laboratories. A group of campus militants, Students for a Restructured University, who had broken with the SDS leadership in the strike because they felt that the SDS was more concerned with off-campus than campus affairs, announced their boycott of Commencement in the Cathedral; they would hold their own counter-Commencement in front of Low Library, its traditional location. Various members of the faculty, speaking for general faculty sentiment, pleaded with the administration to call off the exercises altogether—the University was in disruption, why ask for further disruption, why not simply announce the uncelebrated end to a miserable year? But the administration refused; letters were by now pouring in from "loyal" alumni, demanding that the administration stand firm, and the administration reassured alumni that it would no longer yield to illegal pressure. However, Class Day, the most intimate ceremony of College graduation, was in fact given up when the Marshals of the senior class informed the Dean that they did not wish it to be held. And in recognition of the hostility directed to him as symbol of the hated authority, President Kirk yielded his traditional role as Commencement speaker to a member of the faculty, Professor Richard Hofstadter, the distinguished historian, whose acceptance of the assignment required, in the circumstances, a not inconsiderable courage.

One prayed for the rain one had always prayed against on other Commencements. The day was beautiful and full of promise. Or could it be threat? There was threat, surely, in the tight clusters of students one saw at various points of the campus that early afternoon, talking to each other all too earnestly, all too conspiratorially. And what except protection against threat could be implied by the big unfamiliar buses waiting on 114th Street at the entrance to Ferris Booth Hall and again on Morningside Drive at the entrance to the Faculty Club? The honored guests of the University, including those who were to receive honorary degrees, were lunching in Ferris Booth, their wives in the Faculty Club—the buses would transport them the few short sunny streets to the Cathedral. Everywhere there were police; the control-van that had been set up near the Amsterdam Avenue gates to the campus was well-staffed. A faculty wife had urged on her reluctant husband and his friends their own protection in the Cathedral: little pocket flasks of water in which to soak their handkerchiefs should tear gas be used. The offer was made as if in joke, but the situation was no more one of fun than of morbid fantasy: one doubts there were many of the faculty who marched into the Cathedral that afternoon who expected the exercises to go off without incident, even actual physical assault. I can suppose that most of them, like Mailer marching on the Pentagon, marched in fear—but here, of course, the danger was not of one's own contriving. They marched nevertheless, in what must have been larger number than ever before at Commencement. A university lived, badly weakened. They wished to be present at the ceremony of its continuing life. For this day differences of opinion about what should or should not have been done in the previous weeks must not be allowed to show, wounds must appear to be healed, rifts closed. If one had sufficient dissent from the living University, one stayed away or even went to the other Commencement—some few professors made this latter choice but they were not many, nor did anyone I know go out of his way to discover who they were. The division had dignity.

MAILER, TOO, sees life in ceremony. He contrives ceremony out of each existential moment of his experience, his art out of their sum. But much of the ambiguousness of *The Armies of the Night* stems from the strange compound of innocence and non-innocence he took with him to the ceremonies at the Pentagon, or at least brings to their report. There is innocence, one feels, in his love for America and much boldness in its statement. It is no longer easy to state one's love of country. But surely there is no innocence in his flamboyant invention —it makes a rousing little chapter in the book—of the "grandmother with the orange hair," gone mad with lust and greed, who is made to represent an America gone mad with lust and greed, feeding dead Vietnamese babies into the slot machine of its imperial gamble. This is uncommonly-gifted radical propaganda, to be sure, but nevertheless it is too little complex for truth and therefore less than truth, a subversion—really—of truth. There is innocence in his love for the God of the Christian ethic, and its statement, too, takes courage, for it is also no longer easy to speak of one's imagination of God. But there is no innocence in suggesting a connection, in the life of spirit, between the Christian effort to improve the condition of man on earth and the hippie effort—Mailer describes it marvelously—to levitate

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the Pentagon, between Christ risen and the Pentagon raised. This is befuddling literary ecumenicism. And although there is innocence in Mailer's hope of rest and peace for mankind and an end to irrational violence, there is no innocence—how can there be in so conscious an intelligence as his?—in proposing this hope in circumstances where reasonableness is contemned and violence sanctioned. The same ambiguousness, or perhaps only defect in thought, of course exists in whoever, watching the disturbances at Columbia, could still propose that the insurrectionary undertaking was a good thing, necessary in order to shove our society toward greater reasonableness and peace.

I had no ticket to St. John the Divine, but as the Commencement procession began to form I stood for a moment at the University gate on Amsterdam Avenue, listening for sounds of assault upon the march. Just so, six weeks earlier, I had listened for the sound of Harlem rushing upon our white island. Then I moved homeward across the campus, pausing briefly at the counter-Commencement gathering at the feet of the statue of Alma Mater on the steps of Low Library. Here the crowd was not large, smaller than I had foreseen. And it was entirely pacific, unduly quiet, in fact; not depressed exactly, or sober, but dispirited. The students looked lost or deprived, as if left over from a festivity which, even at its height, had been disappointing. But this festivity had not yet begun; perhaps later it would be livelier. I tried to see the notables of this occasion of protest—the counter-speakers were to be Dwight Macdonald, critic; Dr. Erich Fromm, psychoanalyst; and Harold Taylor, former president of Sarah Lawrence. I especially wanted to see Macdonald, if possible exchange a friendly word, because we had had an unhappy correspondence and phone conversation as a result of his appeal for funds for the SDS. He was not in sight—later I was to hear that he, like Chomsky at one of the panel discussions, had been booed for certain portions of his speech: perhaps he had introduced modification of, or raised questions about, the SDS position and thus breached the solidarity that the revolution demands of its sympathizers. I decided to go home to my good old standby, WKCR.

But my radio knew the time of day better than I did; it had done its full stint and would be pushed no further. I could coax no sound from it.

Too restless to stay indoors, I walked to the Riverside Church where the overflow from the Cathedral was to assemble. I don't know what I had supposed would constitute an overflow from St. John the Divine, but certainly I was not prepared for a big church filled, every seat taken in row after sober row—here indeed were the faces of sobriety and even pain, the faces of mothers and fathers separated (by what distance? only the distance of a half dozen city blocks?) from their graduating young, having their parental epiphany, the ceremony of their accomplished motherhood and fatherhood, by closed-circuit radio. The loudspeaker was very clear, at moments it ebbed in volume, then again swelled, but it was never loud or brash: it was as if the mechanics of the occasion were sensible of moderation, gravity. I stood at the back of the nave and heard report of the last of the faculty and student procession into St. John the Divine—what a long line it must have been and with what measured pace it must have moved! Then there was the invocation. The presentation of degrees. The speech of Richard Hofstadter. He spoke with a luminous simplicity of the meaning and purpose of a university and of how change must come to it by means which would preserve, not destroy, the good it stood for in our world—it might be that the good the university stood for was the best we knew in our faulty world. And these parents who listened to him without seeing him, these mothers in their nicest summer dresses, these fathers who had taken off the day so that they might see their children in this moment of fulfillment (had it been awkward for them at their work, had there been laughter as they explained that they must be free to see their sons graduate from Columbia?—what Columbia?) listened to his speech as one must doubt they had ever before listened in a church. The pulpit was empty, the ceremony was an achievement of technology in our despised technological society, but education was addressing the congregation. And education is still sacred for most of us; for where else in this modern universe of ours, unless to education, are we to look for our continuing civilization, where else do we issue our passports to knowledge and enlightenment? Nothing interrupted the speech these parents wanted to hear, had to hear. When I learned, later, that just before the Commencement address some of the graduating students and a dozen or more of the faculty had risen in their places and walked out of St. John the Divine, away from their "illegitimate" ceremonies (if that is how you see it), I was surprised. From the broadcast in the Riverside Church, one knew of no disturbance of even a token kind; there had been only silence and the calm voice of reason. The emotions of the long spring weeks finally overcame me. I am afraid I began to cry.

It was a very few hours later that Senator Robert Kennedy was shot. Two assassinations framed the Columbia disturbances. Two acts of personal violence against public men bracketed the violent act against a university: the assassination of Dr. Martin Luther King and the assassination of Senator Kennedy. There had been a memorial service for Dr. King in St. Paul's Chapel, the University chapel at Columbia. The services had been interrupted by a group of SDS students who rushed the pulpit and seized the

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microphone from the University Chaplain. They said that Columbia had no right to memorialize the civil-rights leader, that it was hypocrisy for a racist institution to hold such services. Chaplain Cannon had condoned the SDS action with the explanation that anyone was free to speak in his church who spoke in the spirit of truth. But the spirit of truth, or something akin to it, something that bears upon a vision of the way life ought to be, of course always actuates extreme forms of political behavior and often even imputes to them some terrible impulse of the heroic. No doubt the assassins of Dr. King and Robert Kennedy acted out of a sense of isolate dedication to what, in their tortured minds, they took to be the right true way of life.

From the newspapers we learn that among the many who mourned the death of Robert Kennedy —whether as personal friend or public admirer, we are not told—was Tom Hayden, a revolutionary intellectual who helped found the SDS a decade ago. Though neither a student nor teacher at Columbia, Hayden had an important role in the Columbia revolution. One of the buildings seized in the uprising was Mathematics Hall—it was not the first of the buildings to be held but it was the one held with perhaps the greatest panache. It was to the red and black flags of liberation that flew from Mathematics Hall—it backs on Broadway—that passing sympathizers of the revolution, passing motorists, offered their salute. From its windows a basket was lowered for contributions of money and food for the demonstrators, and through its windows distinguished visitors, including some of Mailer's "notables," also were lifted into the revolutionary future. Hayden was the Chairman of Mathematics Hall, the leader of the non-stop discussions that kept its occupiers occupied and that outside visitors to the building took to be proof that an entire and reliable democracy was being practiced in the uprising. He was important in planning the strategies that were presented to the demonstrators for their ratification—since there was constant communication among the various leaders in the various buildings, one can suppose that his influence extended well beyond his single "commune," as each building was called, and that probably far more than the undergraduate Mark Rudd, who has been so much advertised and glamorized by the "media," he is to be credited with the fierceness and intransigence of the rebellion. Some weeks after the Chicago demonstrations, where he was similarly a leader, I saw Hayden in a television interview. His dedication is implicit in his appearance—were one not to know his profession one would still know that whatever he did he did with an extreme intensity. There is great nervousness in his face and body, but it is nervousness under practiced control, almost to the point of rigidity: he occupies a chair, he doesn't rest in it; he allows himself no freedom or forgetfulness within his lean frame; his head and neck are joined with his body as if by visible cords. The face is long, thin, narrowed-eyed, tight-lipped, with little flexibility—here is someone who has gone beyond the need for ordinary human, ordinary social responsiveness; there is no charm, only intention and discipline and an overcast of hard dreariness.

The newspapers reported that late at night when Robert Kennedy's body lay in state in St. Patrick's Cathedral, Hayden came to the Cathedral to mourn. The Cathedral was dark, empty except for the guard around the coffin. Holding in his hand the field cap which reputedly was given him by Castro, Hayden sat alone in the shadows, weeping, until someone who saw him invited him to stand a watch at the coffin, which he did, probably glad of the invitation—in moments of grief, it is helpful to be part of a ceremony. The question this newspaper report raised in my mind—and it refuses to be answered—was: How can the strong emotion which brought Hayden to St. Patrick's in the middle of the night to mourn for Robert Kennedy so totally divorce itself from the ideas which govern the SDS and Hayden as one of its chief leaders? After all, everything that Hayden most significantly lives and works for is directed to the destruction of everything that Kennedy most significantly lived and worked for. One can indeed love one's political enemy, and not only in the way dictated by Christianity but personally. But to the degree that one weeps for him alone in the night? And when the political difference is so nearly absolute? It can be put simply: Kennedy believed in the possibility of our society and Hayden believes that our society must be destroyed. These are antithetical principles. Do they not generate antithetical emotions, or at least require some distancing in personal feeling?

I SPEAK OF the ambiguousness of Mailer's Pentagon story, in particular of the ambiguousness which resides in supposing that a higher reasonableness will be reached by acts of unreason, a more reliable condition for peace by acts of violence. But perhaps more than we can readily recognize, Mailer's ambiguousness is also the ambiguousness of our apparently most single-minded insurrectionary students and their leaders, of all our intellectuals and all our enlightened people who welcome the student revolution; the ambiguousness, in fact, of our moral and intellectual times.

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The Colony

A Story

Isaac Bashevis Singer

IT WAS ALL like one long dream: the eighteen-day boat trip to Argentina, the encounter with my Polish *landsleit* in Montevideo and Buenos Aires, my speech in the Theater Soleil, and then the trip by car to the old Yiddish colony in Entrerios where I was scheduled to lecture. I went there in the company of a Yiddish poetess who was to read her poems, Sonya Lopata. The spring Sabbath day was a warm one. We passed by sleepy little towns bathed in sunlight, everywhere the shutters closed. The dusty road stretched itself between huge wheat fields and ranches where thousands of oxen fed without being tended. Sonya kept on talking to the chauffeur in Spanish, a language which I do not know. At the same time she patted, pinched, and pulled my hand; she even dug the nail of her index finger into it. The calf of her leg she pressed against mine. It was all both strange and familiar: the bright sky without a single cloud, the wide horizon, the midday heat, the smell of orange trees which drifted God knows from where. Sometimes it seemed to me that I had experienced all this in a former life.

About two o'clock the car stopped before a house which was supposed to be a hotel or an inn. The chauffeur knocked at the door, but nobody came to open it. After he had banged and cursed a long time the owner appeared, a sleepy little man. We had awakened him from his siesta. He tried to get rid of us with all kinds of excuses but the chauffeur refused to be cheated of his dinner. He argued with him profusely. After much haggling and many reproaches we were let in. We passed through a patio paved with colored stones and decorated with cactuses planted in large tubs. We entered a darkish hall which held tables without a single guest. It reminded me of the story by Reb Nachman Bratslaver about a palace in the desert where a feast for demons was prepared.

Finally the owner came to and went to wake the cook. Again we heard talk and complaints. Then the cook woke his assistant. It took three hours till we finished the meal. Sonya said to me, "This is Argentina."

There was a long trip in a ferry over a river as wide as a lake. The car approached the Jewish colony. The wheat fields swayed in the heat like a green sea. The road became even dustier. A Spanish cowboy on horseback drove a herd of cattle to slaughter. He chased the animals with wild cries and whipped them to make them run. They were all lean, covered with scales of dirt, and one could see the fear of death in their distended pupils. We passed the carcass of an ox of which nothing was left but hide and bones. Crows still tried to get the last bit of nourishment from it. In a pasture a bull copulated with a cow. He mounted her high, his eyes blood-shot and his long horns protruding.

All day long I did not notice the Sabbath, but when the sun began to set I suddenly felt the closing of the Sabbath day and remembered my father chanting "The Sons of the Mansion" and my mother reciting "God of Abraham." I was overcome by sadness and longing. I grew tired of Sonya's caresses and moved away. We passed a synagogue by the name of Beth Israel. There was no candle to be seen and no voice to be heard. Sonya said to me, "They are all assimilated."

We came to the hostel where we were to stay. In the patio stood a billiard table and barrels filled with torn books. A Spanish-looking woman was ironing a shirt. Along the patio, on both sides, doors led into rooms without windows. I was given a room, Sonya one near me. I had expected someone to receive us, but nobody came. Sonya went to change her clothes. I came out to the patio and stopped at one of the barrels. Great God! It was full of Yiddish books with library markings on them. In the dusk I read the titles of books which had enchanted my youth: Sholom Aleichem, Peretz, L. Shapiro, and translations from Hamsun, Strindberg, de Maupassant, Dostoevsky. I remembered the bindings, the paper, the print. Although it is unhealthy to read in twilight, I strained my eyes and read. I recognized each description, every phrase, even the misprints and transposed lines. Sonya came out and explained it all to me. The old generation of colo-

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ISAAC BASHEVIS SINGER'S first appearance in COMMENTARY was in February 1957. Since then, his stories and memoirs have appeared regularly in these pages. Mr. Singer's most recent book is *The Seance*, a collection of short stories published by Farrar, Straus & Giroux. The present story was translated from the Yiddish by the author and Evelyn Torton Beck.

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nists had spoken Yiddish. There had been a library here; they had organized lectures, had invited Yiddish actors. The new generation was raised on Spanish. However, from time to time they still brought in a Yiddish writer, a reciter, an actor. A special fund was set aside for this. It was done mostly to avoid the criticism of the Yiddish press in Buenos Aires. There still remained two or three old people who might enjoy these activities.

After a while a member of the committee showed up. He was short, broad, with black hair which was almost blue, and with the black shining eyes of a Spaniard or an Italian. He spoke to us in a broken Yiddish. He winked at the hotel owners and joked with them. His cheeks had a mango redness. The night fell black and thick, with a darkness that no lamp could penetrate. The crickets seemed to make a different sound than in Europe or in the United States where I now lived. The frogs croaked differently. The stars had different formations. The southern sky pressed low with its unfamiliar constellations. I imagined I heard the whining of jackals.

Two hours later I gave my speech. I spoke about Jewish history, Yiddish literature, but the boorish men and fat women in the audience seemed not to understand what I said. They didn't even listen. They ate peanuts, talked, screamed at their children. Beetles, butterflies, all kinds of insects flew through the broken windowpanes and cast flying shadows on the walls. The electricity went off and then on again. A dog had entered the hall and began to bark. After my lecture Sonya read her poems. Then they gave us a supper of extremely fatty and spicy foods. Later somebody took us back to the hostel. The colony was badly lit, the ground full of ditches and mounds of earth. The man who led the way told us that the colonists had become rich in recent years. They didn't farm any more but hired Spaniards or Indians to do their work. They themselves went often to Buenos Aires. Many of them had Gentile wives. Their main amusement was playing cards. The colonies which Baron de Hirsch had built to take the Jews away from their insubstantial businesses and turn them into useful farmers were falling apart. As the man spoke, passages from the Bible came into my mind. I thought of Egypt, the Golden Calf, and the two calves which Jeroboam the son of Nebat established in the cities of Beth-el and Dan saying, "Behold thy God, O Israel." There was something biblical in that abandoning of one's origins, forgetting the efforts of the fathers. To this spiteful generation there should have come a prophet, not a writer of my kind. When the man left us, Sonya went to her room to wash up for the night, and I returned to the barrels of books. I could not read them now, but I touched their covers and pages. I breathed in their moldy smell. I dug a book out of the pile and tried to read its title by the light of the stars. Sonya came out in night-robe and slippers, her hair loose.

"What are you doing?" she asked. And I answered, "I am visiting my own grave."

2.

THE NIGHT was dark and long. Tepid breezes wafted through the open door. From time to time I heard what seemed to me the steps of a beast lurking in the darkness, ready to devour us for our sins. All the endearments, the whole game and procedure of love had passed, but I could not fall asleep. Sonya was smoking and she was overcome by a garrulousness which I sometimes suspect is the passion number one with women. She spoke in a nagging tone.

"What does a girl of eighteen know? He kissed me and I fell in love with him. He immediately began to talk about practical details: getting married, children, an apartment. My father was no longer alive. My mother had gone to live with her sister, a widow, in Rosario. She was actually her maid. Men ran after me, but they were all married. I worked in a textile factory. We made sweaters, jackets, all kinds of knitted goods. We were paid pennies. The workers were all Spanish women, and what went on there I cannot describe to you. They were always pregnant and they seldom knew by whom. Some of them supported their lovers. The climate in this country makes you crazy. Here sex is not a caprice or a luxury. It attacks you like hunger or thirst. In those days the pimps still played a big part in our community. They were the bosses in the Yiddish theater. When they didn't like a play it was immediately taken off the boards. The struggle with them had already begun. The others isolated them completely. Here the elders of the burial society are the real leaders. They refused to sell them plots in the cemetery. They were not let into the synagogue on the New Year and Yom Kippur. They had to establish their own cemetery and their own synagogue. Many of them were already old, has-been pimps, their wives former whores.

"What was I saying? Yes, then they still played a big role and tried to get hold of every woman who was alone. They had special men who did the seducing. As a matter of fact, my own boss was after me. I began to write—but who needs poetry here? Who needs literature? Newspapers, yes. Even the pimps read the Yiddish papers every day. When one of them died whole pages of obituaries appeared. You came here in the best time of the year, spring. But all year round the climate is terrible. In summer the heat is unbearable. The rich go to Mar del Plata or to the mountains, but the poor remain in Buenos Aires. In winter it's often bitter cold, and modern heating didn't exist in those days, not even the kind

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of ovens they used to have in Poland. One simply froze. Now there is already steam heat in the new buildings, but the old houses still have stoves which give out smoke, but no heat. It seldom snows, but it sometimes rains for days and the cold gets into your bones. There is no lack of sickness here and the women suffer even more than the men, bad livers, kidneys, what not. This is the reason the burial society is so strong.

"A writer does not write just for his files. I tried to find recognition in the newspapers and magazines, but when they see a young girl, and in addition not an ugly one, they're drawn to her like flies to honey. The big shot who himself led the war against the pimps became interested in me. He had a wife, but she had a lover. Why he consented to such conduct I will never know. He must have loved her immensely. Here there is not much religion. They go to synagogue only on the Days of Awe. The Gentiles have many churches, but only the women worship there. Almost every Spaniard here has a wife and a mistress.

"To make it short, I came to the editor, and he said to me almost openly, 'If you sleep with me, I will publish your work.' The critics disguised their meaning, however they wanted the same thing. I wasn't so holy, but a man has to please me. To go to bed with someone cold-bloodedly, this I cannot do.

"And there was Leibele, my present husband. He also wrote poems and had published some of them. He had even brought out a little book. In those times when somebody's name was printed black on white he appeared to me like a genius. He showed me a review by some critic in New York. He had a job with the burial society. Till today I don't know what he did there. Most probably he was somebody's assistant. We went to the rabbi and got married. We moved into the Jewish section on Corrientes. It soon appeared that his job wasn't worth a penny. He earned little and what he earned he spent. He had a whole bunch of friends, little writers, beginners, amateurs who attach themselves to Yiddish culture. I never knew that such creatures exist. He was never alone, always with them. They ate together, drank together, and if I had allowed it, he would have slept with them as well. Not that he was a homosexual. Far from it—he was not sexual altogether. He was one of those who cannot stay alone for a minute. Every night I had virtually to drive out his cronies, and every night my husband begged me to let them stay a little longer. They never left before two o'clock. In the morning I had to go to work. Wherever he took me, to the theater, to a restaurant, to a lecture, even just for a walk, his bunch of *shlemiels* followed. They could babble and discuss each bit of nonsense forever. Some men are jealous, but he didn't even know that jealousy existed. When one of his colleagues kissed me, he was overjoyed. He wouldn't have minded if they had gone further. This is how he was and how he still is. When he heard that I was going with you on this lecture he was in seventh heaven. You are to him a god, and no one can be jealous of a god.

"We had no children and things might have come to an end, but a divorce only makes sense if you are in love with somebody else. However, the years passed and I didn't fall in love with anyone. The few affairs I had were with married men. In the beginning I had a high opinion of my husband's writing, but then he disappointed me in this too. I grew as a poetess—at least the critics praised me—but my husband stagnated. He began to be more and more enthusiastic about my poems. Everyone wants to be admired, but his admiration irritated me. He infected the others too. My house became a kind of temple, and I, its idol. One thing he forgot, we had to eat and pay rent. I still went to work and came home in the evening dead tired. I was a second Georges Sand, just the same, I had to cook supper for him and his parasites. I stood over the pots and they analyzed my verses and marvelled at each word. Funny, isn't it?

"Lately things are a little easier. I stopped going to work. Once in a while I get a subsidy from the community—we now have a few patrons of the arts. From time to time I publish something in a newspaper, but basically everything remains the same. Occasionally he earns a little money, not enough!"

"Why don't you have children?"

"What for? I don't even know if he can father children. I suspect that we are both barren."

Sonya laughed. "If you remained here I would have a child with you."

"What for?"

"Yes, what for? Women have such a need. A tree wants to give fruit. But I need a man to look up to, not someone I have always to apologize for. Recently we even stopped sleeping together. It's all platonic."

"Does he consent?"

"He doesn't need it. All he wants is to discuss poetry. Isn't that strange?"

"Everything is strange."

"I have castrated him spiritually, that is the truth."

3.

AT DAWN Sonya returned to her room. I covered myself and fell asleep. I was awakened by sounds I had never heard before. I imagined that I heard the voices of parrots, monkeys, and birds whose beaks are shaped like bananas. Through the open door there drifted in the fragrance of oranges mingled with the scent of fruits and plants which I could not identify. The breeze which blew in was warmed

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by the sun and seasoned with exotic herbs. I breathed deeply. Then I washed at the faucet and stepped outside. The barrels with books still stood there, waiting for a Yiddishist redemption. I left the patio and saw women and children dressed in Sunday finery—the mothers with mantillas on their heads and lace on their sleeves, prayer-books in hand—riding to church on horseback. In the distance I could hear the ringing of church bells. All around me stretched the wheat fields and pastures. The grass was full of flowers: yellow, white, all colors and shapes, and the grazing oxen blithely chewed up all these wonders.

A sound played in the air, a mixture of birds' song and breezes in the trees. It reminded me of the story from the Talmud about the North Wind playing on King David's lyre and awakening him to midnight studies. Sonya came out in a white dress embroidered with red and blue. She looked fresh and was in a playful mood. It seemed to me that only now I saw her for the first time as she really was: small and broad, with high cheekbones and the slanted eyes of a Tartar. She had a high bosom, rounded hips, and muscled calves like the magician's helpers who used to come to our courtyards to roll barrels on their soles and swallow fire.

Who knows from where she came, I thought. Perhaps from the Khazars. What doesn't a people go through in two thousand years of exile? But nature has a memory.

Sonya gave me a sideways glance. She smiled questioningly, knowingly, with a wink. I remembered the passage in Proverbs, "Such is the way of an adulterous woman: she eats, and wipes her mouth, and says, 'I have done no wrong.'" Yes, the Enlightenment which our poets praised in such lofty phrases and called "The Daughter of Heaven" has made us all into lechers and harlots. Nobody cared about serving us breakfast and we went to look for a coffee shop. We strolled like honeymooners. The chauffeur who had brought us here was to come for us at one o'clock. We were told that he had a mistress among the laborers in the colony. Most probably he would be hours late. After walking a few minutes, we came upon a house. On the porch sat an old man in a gray jacket and gray cap, the kind they used to wear in Warsaw. The color of his face reminded me of the Warsaw porters: reddish, bluish, with the stubble of a gray beard. His hairy throat with its pointed Adam's apple was heavily veined. Although he was without prayer shawl or phylacteries, he rocked back and forth as he recited from a prayer book. As we came nearer he lifted up his eyes which might have once been blue, but were now yellowish, spotted, and bloodshot.

I said to him, "You are praying, aren't you?"

The old man hesitated, and answered hoarsely (I imagined that I recognized a Warsaw voice): "Do I have something better to do? You are the speaker, isn't that right? I was at your lecture last night. Did they let you talk, the scoundrels? They need a speaker like I need a boil. All they need is to stuff themselves and play cards. May their guts rot in hell! And you, young lady—what is your name?—I heard your poems, yes, I heard them. I couldn't understand them all. I am a simple fellow, but. . . ."

He closed the prayer book and rose, "You will eat with me."

We tried to decline; the old man lived alone. But he said, "When will I have a chance like this? I am already eighty-one years old. When you visit again I will be lying there," and he pointed toward a grove of trees which must have hidden the cemetery.

THE OLD MAN'S house was full of broken-down furniture. His dishes seemed not to have been used for a long time. On an uncovered table in the living room there lay fresh eggs, still encrusted with the dirt of chickens. He prepared an omelette for us. He cut thick slices of whole wheat bread, full of bran and kernels. On his half-paralyzed legs he hobbled back and forth bringing us more things to eat: gooseberry jam, stale cookies, dried cheese. As he served us, he spoke.

"Yes, I had a wife. Fifty-four years we lived together like doves. I never heard a bad word from her. Suddenly she lay down and it was all over. The children wandered off. What was there for them here? One son is a doctor in Mendoza. A daughter is married in Brazil and lives in São Paulo. One son died and left three orphans. I always thought that I would be the first to go. But what can you do? If one is destined to live, one must live. A woman is not so helpless when she is alone. As you see, I am one of the first colonists. When I came here it was all wasteland. You couldn't even buy a piece of bread. While on the ship we all sang Zunser's hymn, "The Lord's Blessing is in the Plough." We were told that peasants are healthy because they live in the lap of nature, and that kind of poppycock. But the moment we arrived an epidemic broke out. Children fell ill and died. Older people also became sick. There was talk that the water was poisoned or who knows what. The Baron sent us delegates who were supposed to be agriculturalists, but they couldn't tell wheat from rye. They gave us endless advice; nothing helped. We all wanted to leave but didn't have the fare. We had signed contracts and were debtors. They bound us hand and foot; still they were—what do you call it—philanthropists. A great man came to us from Paris and spoke only French. We didn't understand a word he said. Of Yiddish they were ashamed, these charity lords.

"The Spanish people in the neighborhood hated us. They always shouted, 'Go back to Palestine!' One day a rain started and continued for

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eight days without stopping. The rivers overflowed their banks. There was a flood. In the middle of the day it became as dark as night. There was such thundering and lightning that we thought the world was coming to an end. It hailed too. The hailstones were as large as goose eggs. One chunk of ice made a hole in a roof and destroyed the house. How does ice come from the sky? There were among us a few elderly people and they began to recite their confessions. They believed the Messiah was about to come and that this was the war between Gog and Magog. Those who could write, wrote long letters to the Baron, but he never answered. The women did one thing, they cried. There came to us a young man, Hershelle Moskver. They called him—how do you say?—an idealist. He had long hair and wore a black blouse with a sash. He had already been to the Holy Land and had left it. 'There,' he said to us, 'is a desert. Here the earth is fat.' He brought with him a young woman. Her name was Bella. She was beautiful, black like a Gypsy, with a mouth full of white teeth. All the men fell in love with her. When she entered a room it became brighter. She comforted and helped everyone. When a woman gave birth, she was the midwife. But the women began to complain that she had come here to seduce their husbands. There was a lot of gossip and fighting. In the middle of all this Bella contracted typhoid fever and could not be saved. Her enemies had put a curse on her. Hershelle Moskver stood at her grave and refused to recite the Kaddish. Three days later he was found hanged. Do you want another cup of coffee? Drink, my good friends, drink. When will I have such an honor again? If you want, come with me to the cemetery. It's right here. I will show you everything. The whole colony is buried there."

Our breakfast finished, the old man took his cane and we walked to the cemetery. The fence was broken. Some headstones were bent, others had toppled over. They were all grown over with weeds and wild flowers, the engraved letters green with moss and half-erased. Here and there protruded a rotting wooden tablet. The old man pointed toward a hill. "There lies Bella, and next to her, Hershelle Moskver. They lived together, and . . . how is it in the Bible?"

I helped him out. "Lovely and pleasant in their lives, and in their death they were not divided."

"Yes, you remember. My memory has weakened. What took place seventy years ago is clear to me like yesterday. What happened yesterday seems far away. It's all the years, the years. I could sit with you seven days and seven nights and I wouldn't be able to tell you a tenth of what we suffered. And does the younger generation know it? They don't want to hear a thing. Everything was prepared for them. All work is now done with machines. They get in a car and drive to Buenos Aires. Are you two husband and wife?"

"No, we are friends."

"Why don't you get married?"

"He already has a wife." Sonya pointed to me.

"Well, I will sit down here."

The old man sat on a bench. Sonya and I walked among the graves and read the inscriptions on the headstones. The air smelled sweet, like honey. Bees hummed as they flew from flower to flower. Huge butterflies such as I had never seen before fluttered over the graves. The wings of one butterfly had the black and white stripes of a prayer shawl. Sonya and I came over a hill and saw a stone with two names, those of Bella and Hershelle Moskver.

SONYA TOOK my hand and began to pinch, and pull. She dug her nails into the flesh. We stood by the stone and could not move away. Every few moments another kind of bird sounded his call. A strong perfume filled the air. In Sonya's hair all sorts of insects gathered. A ladybug landed on my lapel. A caterpillar fell into the cuff of my pants. The old cemetery teemed with life, death, love, vegetation. Sonya said, "If only we could remain here like this."

After a while we returned to the bench where the old colonist waited. He had fallen asleep. His toothless mouth was open and he looked as stiff as a corpse. But his eyes under his shaggy brows seemed to smile. A butterfly had settled on the vizor of his cap. It remained still, congealed in thoughts as ancient as its species. Then it shook its wings and flew off in the direction of the hill where Bella and Hershelle lay buried—the Romeo and Juliet of Baron de Hirsch's grandiose dream to turn Russian Jews into Argentine peasants.

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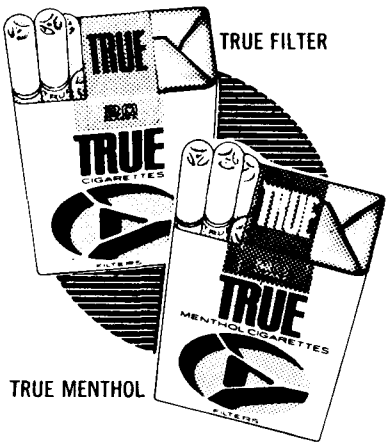
The Rabbi's Daughter

Women in the nineteenth century were chattels, subject to their fathers or husbands. All well-bred young women conformed to this feminine ideal. But not the rabbi's daughter, Ernestine Rose. She was a rebel at the age of five, rejecting mere authority as an answer to her questions.

Born in the ghetto of Piotrkow, Poland, on January 13, 1810, Ernestine left home at the age of seventeen. She travelled alone to Berlin, visited Holland, Belgium and France, and settled in London. There she met Robert Owen, whose humanist philosophy influenced her deeply. There, too, she met William Rose, an Abolitionist, who became her husband. In 1836, the Roses emigrated to the United States.

Ernestine, the rebel, found much to rebel against in her adopted country. Women in the United States were legally on a par with infants, idiots and lunatics. Ernestine launched headlong into the campaign for women's rights. An eloquent, witty speaker, she became one of the foremost orators of the day. With the leading intellectuals of the day, she worked for the rest of her life on behalf of legal and political equality for women and the abolition of slavery.

"The slave she helped to free from the bondage of ownership, and the minds she had set free from the bondage of authority were the glad and proud remembrance of her last days." This tribute to Ernestine Rose from the eulogy delivered at her funeral in 1892 best sums up the life work of a great spirit.



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Czechoslovakia 1968

George Lichtheim

LONDON, OCTOBER.—This is not a good moment to be writing about the probable shape of things to come in Eastern Europe. Setting aside the obvious unpredictability of the Soviet Union's present rulers, the calendar keeps interfering. On the eve of the Czechoslovak invasion last August, the date in everyone's mind was September 9: the day fixed for the convocation of the special party congress which was to have placed the official seal upon the Communist reformation. As the experts quite rightly pointed out, the Russians would have to intervene before that date if they meant to avoid the extra odium of reversing a decision taken in broad daylight by a properly elected party convention attended by hundreds of foreign visitors. In the end this consideration probably weighed more heavily with the *Capomafiosi* in Moscow than Ulbricht's real or supposed share in pressing the panic button on the eve of the Soviet Central Committee's emergency session on August 19. We may never know what exactly made Brezhnev and a few others come off the fence on which they had been sitting since their meetings with the Czechoslovak leaders at Cierna and Bratislava in late July and early August. But it was obvious that September 9 was the last date if they were going to march. Thereafter, their stooges in Prague would have been voted off the Presidium, and probably expelled from the Central Committee as well. Then it would have been too late—not for the Soviet military, but for their civilian superiors who at the moment still have the last word (for how much longer?).

Now the next critical hurdle to be taken is October 28, by which time these words will be in print. For on that day the Czechs and Slovaks will either commemorate or ignore the 50th anniversary of their Republic's birth in 1918. If the celebrations are held as planned, Ludvik Svoboda will be proclaimed the legitimate successor of Thomas Masaryk. Whoever makes the official speech on that occasion—Dubcek if he is still there or another man in his place—can hardly fail to remind his hearers that the literal meaning of the name Svoboda is "freedom," and that a country occupied by foreign troops is a protectorate, even if the presence of these unwanted guests is covered by a thin legal veil.

So once more we sit and wonder: will the Russians take the risk of letting Dubcek broadcast to the nation on that day, knowing that the romantic and patriotic side of his nature might at any moment take precedence over his ingrained caution? Or will they seek to replace him by a safer man who would yet be acceptable to the people of Czechoslovakia? But the only plausible candidate in sight at the moment is the redoubtable Gustav Husak, currently (at the time of writing) party leader in Slovakia; and Dr. Husak, while a less emotional man than Dubcek, is potentially no less dangerous to the Russians. A former Resistance hero under the Germans, he spent nine years, from 1951 to 1960, in jail under the Stalinists, and a man who can survive that sort of experience must be made of fairly tough material. The choice, then, is not an easy one. It is a measure of the Kremlin's miscalculation that the only conceivable replacement for Dubcek is a man whom the Stalinists imprisoned on the grounds that he was a "Slovak nationalist." He could still become his country's chief jailer—after all Gomulka and Kadar suffered likewise under Stalin—but somehow the odds are against it.

In saying this one necessarily goes out on a very fragile limb indeed. But these days we all have to take calculated risks, and if the men in Prague and Bratislava are willing to gamble their lives, a commentator sitting safely in London ought not to be too worried about his reputation. Besides, what is there to be lost in stating one's belief that the Czechoslovak Communists will eventually convert their moral victory into a political one by getting the Russians to withdraw their troops, while retaining a measure of internal autonomy? It is the obvious solution from everyone's viewpoint, and if the current Soviet leaders are too stupid to see it, their successors will. Unless, that is, those pessimists are right who fear that last August's invasion of Czechoslovakia heralds a new and altogether more adventurous phase in Soviet foreign policy. But in that case the problem is no longer political but military, and the question to be asked is: Will it be the turn of Rumania next, and then of Yugoslavia? It is a legitimate question and I shall revert to it. Meantime, it will do no harm to take a look at that anniversary celebration.

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IT HAS become conventional to relate Czechoslovakia's present misfortunes to those of the past, and some of Dubcek's more emotional countrymen have already compared that amiable man to Jan Hus, the Czech reformer who was burned at Constance in 1415 under the joint chairmanship of Emperor and Pope. His martyr's death—a century before Luther's successful revolt—fed the flames of the Czech proto-Reformation. A more relevant date perhaps is 1620, when the disastrous battle of the White Mountain ended Bohemia's independence for three centuries. Thereafter the triumphant Counter-Reformation (led by the Habsburgs in Vienna) destroyed not only the ancient Czech aristocracy but the Reformed Church and drove hundreds of thousands of Protestants into exile (mostly to Germany, though some wandered as far as the United States). These were Czechs, not Slovaks, for Slovakia had remained Catholic when Bohemia and Moravia adopted the Reformed faith.

Ancient history? Irrelevant? Tell that to an Irishman! Religion along with nationality was for three centuries the key issue under Habsburg rule, and when the Austro-Hungarian monarchy finally collapsed in 1918 (exactly three hundred years from the day the Habsburgs launched the Catholic crusade known as the Thirty Years War), Thomas Masaryk—a Slovak—created the new Republic out of two nationalities divided internally by a religious cleavage as well, for a sizable Protestant minority had survived in Slovakia under Hungarian rule, whereas the Czech lands were forcibly reconverted to Rome. Hence when Hitler in 1938-39 destroyed Masaryk's Republic, it was only logical that he should have capped his protectorate over Bohemia by turning Slovakia into a separate "state" under the rule of fanatical Catholics.

Likewise when Dubcek and Smrkovsky were dragged from their foul dungeon last August and flown to Moscow, their Soviet captors confronted them with the ultimate threat: destruction of Czechoslovakia as a nation and the annexation of its Slovak half to the USSR. This no doubt explains the Moscow "compromise" (in fact a disguised capitulation on the part of Svoboda and Dubcek). But there is another side to the story: by acting as they did, the Russians finally destroyed Slovak separatism. They had already been obliged to witness the orderly and peaceful replacement of their henchman Novotny (a Czech) by Dubcek, a Slovak. Now their last remaining hope is Husak—another Slovak! What is worse (from their viewpoint), they have turned the entire Czechoslovak Communist party into a national resistance movement. One can go further and say: by marching their big battalions into the country, they unwittingly created a nation.

Why did they do it? And why, having done it—in deference to their East German allies or to their own military—did they not go the whole hog by slaughtering the Czechoslovak leadership on the spot, shooting a few thousand intellectuals, and deporting two or three million people to Siberia? This was the treatment the Baltic Republics got from Stalin after 1939, and it is what would have happened to the Czechs and Slovaks if the Old Man could have got out of his grave by the Kremlin wall. In fact Svoboda and Dubcek had to listen to just such threats, and take them seriously.

But savage brutes though they have shown themselves once more to be, the Kremlin bosses ("we thought they were dogmatists; they are just bandits," one of the Czech leaders remarked on his return to Prague) are not quite up to Stalin's murderous level. Stalin was both the last Bolshevik and the greatest terrorist produced by the Russian Revolution. His heirs are just plain ordinary political gangsters of the type who used to work with Capone when that gentleman was in his prime. They would do well as leaders of the Honored Society in Palermo, but are out of place as rulers of an empire. This has its reassuring side, for quite plainly these squalid butchers are frightened men who in their hearts long for a quiet life. To them the Soviet bloc is *Cosa Nostra*: something to be defended by all means short of nuclear war with the United States—the only peril they really dread. They lack Stalin's demonic will power and his total indifference to world opinion. They also lack his vestigial belief in the worldwide triumph of Bolshevism as a political faith. Militarily they may still hope to expand (into the Middle East, for example). Politically and ideologically they are on the defensive.

Hence the mixture of panic and brutality with which they greeted Dubcek's well-meant if naïve attempt to square the circle by making Communism democratic. For of course it cannot be done quite in the way he intended. If the Communist party is to preserve its "leading role," it must get along without genuine political competition. Alternatively it must become social-democratic, in fact if not in name. To that extent the "dogmatists" are right. Only—and this is truly one of history's little ironies—they have now handed Alexander Dubcek an unbeatable trump card by turning him into a national figure. Whether in the end he becomes a hero or a martyr—at the moment one cannot be quite sure which it is going to be—his place in the history books, and in the affection of his countrymen, is already secure. Today he could hold a free election and get 90 per cent of the vote. That much the Soviet occupation has done for him.

THERE WILL of course be no election, and in the end the party may have to adapt itself or go underground (it may even combine both operations—the Czechs are old hands at this kind of game). Meantime a few

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salient memories are worth preserving: the treatment handed out by the Soviet leaders to their loyal comrades whom they had bear-hugged and kissed at Cierna and Bratislava a few weeks earlier; Dubcek and Cernik—party leader and Prime Minister respectively—handcuffed and dragged off to a filthy jail, where they squatted in their own excreta for three days, waiting to be shot, until Svoboda's unexpected firmness (the old man twice threatened to commit suicide) compelled the Kremlin bosses to release them; the demand (rejected by the Czech leaders) that Frantisek Kriegel—a member of the Czechoslovak Party Presidium and a veteran of the Spanish Civil War—and Professor Eduard Goldstuecker, chairman of the Writer's Union, be put on trial as "Zionists"; and lastly that remarkable moment at the close of the "discussions" in Moscow on August 26, when Brezhnev and Co. casually told the Czechs they had permission to "liquidate" their pro-Russian colleagues—Kolder, Indra, Bilak, Svestka, and the rest—the very men who had plotted the invasion with the Soviet ambassador, and then failed to form a puppet government because they could get no one (not even the secret police) to help them!

Since then these men have been beating their breasts in public, affirming their loyalties and swearing on their honor (!) that they never asked the Russians to march in. No one believes them, but no matter: they are safe because universally despised. In fact, even Antonin Novotny is reliably reported to have signed a petition asking for the withdrawal of the Soviet forces. Be it said in fairness to this old Stalinist murderer that during his long reign he repeatedly refused "offers" to garrison his country with Russian troops. Of course while he was in control the Kremlin had no need to worry, but still it shows that even for Novotny there were limits: He knew just how much his countrymen would take.

And just before it all goes down the memory-hole, let us briefly remember that on August 23 there was a token general strike lasting one hour (too short, much too short, but still . . .) all over the country; and that the day before a thousand hastily assembled Communist party delegates had secretly met in a Prague factory, under the muzzles of the Soviet tanks, to elect a new Central Committee. Unfortunately most of the Slovak delegates were unable to attend, a circumstance that caused some resentment in Bratislava and led not only the Russians but also the newly elected Slovak leader, Husak, to describe the meeting as irregular. It is an aspect of the unreality now surrounding everything and everybody in Czechoslovakia that while this emergency 14th Party Congress is officially discounted, its nominees have in fact been coopted to the enlarged and reconstituted Presidium of the party, now overwhelmingly "liberal," in contrast to its predecessor. This curious state of affairs will eventually have to be regularized, Moscow permitting. Meantime it can at least be said with some confidence that the party has been regenerated by what was in effect a spontaneous rebellion of its working-class membership against the military occupation and the handful of bureaucrats who had temporarily gone over to the Russians, until they got cold feet and decided to play safe.

And thereby hangs a moral: Even though the political elite and the intelligentsia may have lost the battle they started in January, the burden of resistance has now fallen upon the shoulders of the working class. That class will of course need some leadership, and it can only get it from a revitalized Communist party (anarchists and populists please note). For Czechoslovakia is no Hungary where in 1956 the party lay in ruins and the intelligentsia feared its own people more than it feared the Russians. The most civilized country in Central Europe is also the only one where democratic socialism could in principle be made to work. It was in this spirit that Alexander Dubcek ended his sad broadcast to the nation on August 27 with the words: "A people guided by reason and conscience will not perish." If this language recalls Lincoln rather than Lenin, the explanation is simple: the tired and dejected man who spoke that day was not only the leader of his country's Communist party. He was also—whether he knew it or not—the heir of Hus, Comenius, and Masaryk.

II

IT WOULD BE agreeable to stay at this level. But a political commentator also has to take account of what is comically known as the "real world": the world of the Kremlin gangsters, their Prussian and Polish satellites, their faithful North Koreans (who until this year had probably never heard of Czechoslovakia), and their candid friend Fidel Castro. As regards the last, it has to be reported that his broadcast of August 24 caused some consternation on the Parisian *rive gauche,* if not in Havana where *El Lider* no longer has to fear Guevara's shadow (that steely fanatic might have been a trifle less accommodating). Even so, Castro managed to step on *Pravda*'s sensitive corns by describing the Russian military intervention as a flagrant breach of international law. It could only be justified (he said) on political grounds: The Czechoslovak leaders were on the road to perdition. Specifically, they were following in Tito's wake by throwing their country open to "capitalism." This happens to be nonsense, but a Latin American *caudillo* whose theoretical equipment consists of a dozen hastily assembled slogans can hardly be expected to be an authority on socialist economics. What is rather more alarming is Castro's apparent cynicism where his own so-called principles are concerned.

For consider the logic of his pro-Soviet apolo-

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gia: If the "socialist camp" is entitled to intervene militarily whenever one of its members shows signs of taking its independence seriously, then where is the limit? And where does this sort of reasoning leave Castro if the next administration in Washington should take it into its head to invade Cuba? If one adopts a cynical viewpoint one may say that the Russians did nothing in Czechoslovakia that the United States has not done in the Dominican Republic. But this line of argument—much favored in Moscow and Washington alike—is not open to the leader of a small country struggling to preserve its independence. Castro may have fancied that he was being brutally honest when he came out with his defense of what the Russians have done, but he *might have been better advised to say nothing.* One does not suddenly abandon two centuries of tradition without paying the price. Historically, Latin American nationalism has put independence first and everything else second. I suspect Fidel has blundered and will live to regret it. His brand of revolutionary rhetoric has hitherto rested on the widely shared belief that Washington has no right to tell the peoples of Latin America what to do. In future this line of talk won't go down quite so well, coming from a man who has said in so many words that the Czechs and Slovaks must invariably conform to Moscow's orders.

Not that Mao's condemnation of the Kremlin's behavior was significantly more honest. After all, the Chinese swallowed Tibet without consulting the Tibetans. As for the deplorable Indira Gandhi, she probably had to think of Kashmir. But none of these considerations applies to Castro. He does not have to run an empire and can afford to stick to principle. If he chooses to abandon the ground on which every Latin American revolutionary must ultimately take his stand, the only possible explanation is that uncontrolled personal power has finally gone to his head. His broadcast of August 24 was not merely unnecessary (all he had to do was to say something about "tragic necessity"), it was a notable example of vanity and folly triumphant at the expense of principle and common sense alike. International law, he said, did not really matter. "If all we had to rely upon against the threat of Yankee invasion was the law, if the principle of sovereignty were our country's sole protection, our revolution would long ago have disappeared from the face of the earth."*

But Castro is at least trying to be honest, even if he confuses honesty with cynicism. If he dispenses with legality and morality alike, he does so in the name of a revolutionary doctrine in which the Kremlin gangsters have long ceased to believe. *There* lies his (political) error: He thinks he can commit them to the global exercise of Communist solidarity, which is why in the same broadcast he demanded to know whether they were ready, in case of need, to intervene in Korea, Vietnam, or—Cuba! Mao thinks he knows the answer: The Big Two have tacitly divided the world between them. Fidel may suspect something of the sort, but he appears to believe that he has some leverage in Moscow as long as he stays within the bloc, while threatening to take a Maoist line unless his demands are met. In terms of *Realpolitik* he may even be right, for the Russians cannot simply ditch him or have him murdered (how they must long to do it!). But in the end he may become expendable. What is Cuba to them in comparison with another Yalta?†

THE REMAINDER of the Communist world reacted in standard fashion—*that is to say, by following the law of political* gravity which decrees that in the absence of principles (now dead), self-preservation is the only rule. Peking having condemned the Russian invasion (on the grounds that it sprang from a Soviet-American plot to divide the world), Albania dutifully followed suit. The Communist parties of India and Japan were displeased and said so. Ho Chi Minh sat on the fence and finally came down on the Soviet side (what else could he do? After all, China is Vietnam's historic enemy). The Communist parties of Chile and Venezuela fell into line, as did that of Luxembourg (this must have come as a great relief to the Kremlin). The corpse of American Stalinism emitted a squeak "regretting" the intervention, but conceding that it was "necessary." The British CP, on the other hand, thought it both "deplorable" and unnecessary (and then took some comfort from the Moscow "agreement" of August 26, five days after the military rape). The French party "disapproved," then watered its disapproval, and finally saw some hope in the self-same Moscow "agreement." The Italian party was disgusted and said so. If there is going to be an autonomous West European regional Communist bloc, it will have to take its intellectual lead from the Italians, although the French will provide much of the political muscle. The Rome statement ex-

**Le Monde*, September 5. Even the most notable of Castro's French sympathizers, M. Claude Julien, was unable to offer more than an embarrassed apology for this imbecile cynicism (*ibid*). It was, he said, a sequel to the long-standing feud between Tito and Castro. An odd sort of defense. Even if Castro disapproves of Tito's foreign policy, he might have remembered that the Yugoslav dictator became a national hero by defending his country's national independence. What else has Castro been trying to do for the past ten years?

† Especially if Fidel goes on being tactless at their expense. In the same broadcast he blamed the Novotny regime for having sold Cuba outdated World War II war material captured from the Germans, "at a high price too." For good measure he accused various unspecified "socialist countries" of ignoring the problems of the underdeveloped regions and of conserving, in their relations with the Third World, "practices belonging to the developed capitalist bourgeois world." With such a candid friend around Brezhnev needs no enemies.

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pressing "grave disagreement" with the Soviet action is reliably understood to have been drafted *not* by the "revisionist" Amendola, but by Pietro Ingrao, leader of the party's left wing.

"Grave disagreement"—as many a Vatican or Kremlin observer knows—is more serious than "disapproval," and indeed the Italian party is even more furious with the Russians than is the French. It is also larger and has a better chance of coming to power democratically if it can get its countrymen to take its professions of honor and patriotism seriously. The British Communists, on the other hand, having nothing to lose (or win), could have afforded the luxury of sticking up for the Kremlin. Since instead they chose to align themselves with the Dutch and Scandinavians in measured disapproval, the explanation probably has to do with the general political and cultural climate in these countries. To any Communist movement operating in a democracy, Dubcek represented the best news in years: The man was actually about to make Communism look decent and respectable when the roof fell in on him. No wonder the British Communists were furious. "Our bloody Russian Vatican has done precisely the same as Rome," one of them said to a reporter. "They've kicked us in the teeth. But there's a difference: When the Pope condemned the Pill, he knew his followers would bash away at sex regardless. In our crisis, the followers will bash away at the party."*

Within the Communist orbit, the strongest reaction came, predictably, from Yugoslavia and Rumania, two countries whose very existence was placed in peril by the Soviet intervention: not so much because they now have stronger Russian forces near their borders, but because the Kremlin by its recent behavior has formally served notice that military intervention may be practiced at any moment in the name of "socialist solidarity and the struggle against imperialism." In this context it makes small difference that Rumania is nominally a member of the Warsaw Pact grouping, while Yugoslavia is not. The sort of reasoning employed to justify the occupation of Czechoslovakia can be extended indefinitely, which is why Tito and Ceausescu promptly placed their countries on a semi-war footing and warned that they were ready to fight.

SETTING ASIDE for a moment the significance of these declarations in terms of the politico-military lineup, it is just as well to be clear about their long-range impact upon the Communist world movement. If Communist leaders are prepared to order their respective armies to fire on each other, they are as good as telling the world that the October Revolution has *not* after all inaugurated a new political order. This may seem obvious, but the effect of such a revelation upon the minds of genuine Communists can only be shattering. Historically-minded cynics may dismiss this sort of anguish as mere sentimentality. If Christendom and Islam had their internal wars, why not Communism? But most people are not historians and don't think in such terms. To the average member of a Communist party in Europe (one is less sure about Asia) the notion of fratricidal warfare among the heirs of Lenin is intolerable. It is easy to say that Communists will have to get used to it, much as Catholics and Protestants got used to the spectacle of their rulers making political deals across the religious chessboard. But what if they refuse to accept this sort of reasoning? Then either the unity of the world Communist movement must somehow be restored, or its aims will be relegated to the status of mere aspirations compatible with almost any kind of *Realpolitik*.

Now this sort of accommodation—for which there are precedents in European history since the religious wars of the 16th and 17th centuries—is easier for Christians than for Communists. The religious and the secular spheres can somehow be divorced from each other, even though theologians have traditionally been scandalized by the spectacle of nominally Christian states and nations going to war with each other. Communism, by contrast, is a this-worldly faith which leaves no transcendental refuge for people to whom politics does not greatly matter, and who in the last resort are prepared to write the entire historical realm off as an inferior domain given over to the passions. No Leninist can retain his faith in an abstraction called "communism" if the actual behavior of the Kremlin shows that the USSR has become an "imperialist" power. For Lenin—unlike Marx, who hardly bothered with the subject—had made the struggle against "imperialism" the touchstone of the new creed born in the October Revolution. If the Soviet Union is an imperial power like any other, then what is there left of the Leninist faith? Precisely nothing at all. Unless one concludes with Mao Tse-tung—himself quite an able practitioner of Great Power politics—that the whole aberration is the fault of a handful of "revisionists" and "traitors" in the Kremlin. But this explanation, though it may satisfy the old man in Peking and his captive audience, is a bit too simple-minded for most Marxists.

For the sake of completeness—though it is hardly worth the bother—let us consider what sort of apologetics may emerge if the leadership of the USSR continues to rest with men who are de-

*The *Sunday Times*, August 25. It may be worth noting that although the British CP counts only 30,000 members, these include a number of influential trade union leaders. One of them, Will Paynter, General Secretary of the Miners Union, called the Soviet intervention "a disgusting betrayal of all the principles of the international Communist movement," and there is reason to believe that he was voicing the sentiments of his colleagues. The Kremlin is going to discover that there are limits to what authentic British labor leaders—Communists or not—are prepared to stand.

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termined to call themselves Leninists and to be recognized as such by others. *Pravda*'s rubbish about "counterrevolution" has persuaded no one, not even the French CP which had unblinkingly swallowed the 1956 intervention in Hungary. A different group of leaders in the Kremlin may one day write the whole thing off as a gigantic miscalculation, and even apologize publicly to the Czechs and Slovaks, as Khrushchev apologized to Tito after 1955. From the standpoint of the world Communist movement this would be the ideal solution. It is not wholly impossible, but seems unlikely; partly because it would require a pretty drastic reshuffle among the Moscow leadership (heads will roll in any case, though not necessarily those of the real culprits), but also because it assumes that the Khrushchev experiment can be resumed.

Now the essence of that experiment was the attempt to revitalize the party which had been discredited by Stalin's personal despotism, backed up and sustained by the secret police. The party machine did in fact recover the central position it lost under Stalin, but the concurrent attempt to bring Leninism back to life ended in failure. Khrushchev was enough of an instinctive populist to realize that the bureaucratic terror machine must somehow be checked if the people were to regain confidence in the leadership. To some extent he succeeded—largely by dint of economic concessions to the consumer, a line duly pursued by his successors. But just because the regime has now obtained some grudging popular support, it can afford to take unheard-of liberties abroad, as long as it is able to portray itself in the role of defender of the USSR against all comers (foreign Communists included). Patriotism has become by far the strongest emotion animating the ordinary Soviet citizen, and patriotism shades off imperceptibly into imperialism. As long as the Kremlin can represent its policy as being in line with what national security demands, it has nothing to fear from the masses, though it may incur the anger of poets and painters. It has nothing to fear from the military either—an important consideration.

AND YET patriotism is not quite enough. A different formula has to be found for the benefit of foreign sympathizers and of the Russian party itself. The spectacle of Soviet tanks crushing a democratized Communist regime is just too awful to be forgotten. There is on record the public address to the nation given by the old Communist Josef Smrkovsky, speaker of the Czechoslovak National Assembly, on his return from his brief captivity in Moscow on August 27: "Our country was suddenly occupied by an enormous military power which it was absolutely hopeless and impossible to resist in like manner. . . . Here lies the tragedy of the quest for new socialist achievements."

No amount of whitewash is ever going to eliminate this infamy from the minds of the Czech people, who for over a hundred years have been Russia's best friends in Europe. Indeed one may say with confidence that the rather romantic feeling for Russia so long and obstinately nourished by the Czechs has been killed stone dead. But this need not greatly matter to the Soviet leaders if they can hold the loyalty of the Czechoslovak party or a significant fragment of it. To this end only one argument will serve, and happily (from Moscow's standpoint) it can also be made to do duty in the permanent cold war against NATO: The Soviet forces in Czechoslovakia are protecting the country against "West German *revanchism*." In the language of Soviet officialdom—still trying to dress itself up in Leninist clothing—"the frontiers of the socialist world have advanced to the Elbe and the Bohemian Plateau" and they must not be rolled back. This may be a piece of self-delusion, but it makes sense to a great many Soviet citizens who still remember the German invasion. It also appeals to the Communist parties of Poland and East Germany, whose leaders know that if the Russians ever go home they are in for a tough time. "West German *revanchism*" is a convenient scarecrow, which unfortunately draws some plausibility from the obstinate refusal of the *Bundesrepublik* to recognize the frontiers of Poland and Czechoslovakia (the imbeciles in Bonn are still debating the precise legal status of the 1938 Munich "agreement" imposed by Hitler upon the wretched Benes).

There is thus a chance that the Kremlin can make its invasion of Czechoslovakia look like a defensive operation, at least to its own people and to its East European satellites. But the threats already uttered by Moscow against Rumania and Yugoslavia tend to undermine the credibility of this line of reasoning, for neither country was or is threatened by "West German *revanchism*." The USSR is thus increasingly coming to look like its real self: a power trying to hold on to its military empire and ready to trample on anyone—Communist or not—who gets in the way.

In the long run this is going to be quite a healthy development. It is high time the Communist movement got rid of the albatross hung around its neck by the Kremlin Mafia, and if the rape of Czechoslovakia helps to open the eyes of true believers in East and West, the unfortunate Czechs and Slovaks will in retrospect be seen to have performed a service of world historical significance. Not that this thought is likely to ease their burden in the immediate future. They must do the best they can to get the Russian forces out of their country, and unfortunately they can achieve this reasonable aim only at the cost of their democratic program. Even if they conserve a limited degree of internal autonomy, their country will remain a protectorate. By the same

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token the "socialist camp" will at long last be shown up for what it is (and always was): an extension of the USSR and its satellite empire. This is nothing to cheer at, but at least we shall have got rid of a certain amount of hypocrisy, and the surviving inmates of the Stalin cloaca will presumably lose even the limited audience they have hitherto cornered among the dispirited remnants of the Old Left.

III

"CZECHOSLOVAKIA is, after all, a Central European state. Its fortunes must in the long run lie with—and not against—the dominant forces in this area"—George F. Kennan, *From Prague After Munich: Diplomatic Papers, 1938-40.** Mr. Kennan's words of wisdom, disinterred by him thirty years after Munich and thus preserved for posterity, have been much quoted these days by the reviewers. Possibly this is unfair to their distinguished author who in 1938 watched the German takeover with helpless anger and distress. Still, there he was, notifying the State Department in his best professional manner that it was now going to be the duty of "the more realistic and more responsible leaders" of Czechoslovakia to make the best of an admittedly bad situation. Germany was the strongest power in Central Europe. Hitler or no Hitler, responsible men in Prague (he felt sure) would come to realize that "the cornerstone of any long-term Czech policy must be a *modus vivendi* with the Germans." There was "no room for the glories of martyrdom," for nothing could "relieve them of the immediate neighborhood of those 80 million German people." Only "irresponsible" people could "dream of dramatic liberation and revenge."

Mr. Kennan's successors at this moment are probably busy penning similar advice to their superiors in Washington, and their chances of being listened to are even better. In 1938 Germany had to reckon with European rivals and opponents (including Russia), but the Kremlin in "restoring order" in Czechoslovakia, is, from a geopolitical viewpoint, simply tidying up a fringe area of its Eastern European empire. The spectacle may be distressing, but there is nothing to be done about it short of challenging the status quo established in 1945 at Yalta and Potsdam.

Mention of Yalta, needless to say, acts as an irritant upon American and British policy-makers. General de Gaulle never fails to remind the world that France (meaning himself) was not invited to attend the Yalta conference in February 1945, when the great carve-up got under way. He did it again at his recent press conference on September 9 and was duly rebuked the following day by some of the surviving veterans of the British diplomatic service (but not by the BBC, which had wisely omitted this passage from its regular news bulletin. Foreign Office control of the BBC news service, while less visible and clumsy than the corresponding arrangement in Paris, is just as tight and effective). One gathers that the State Department, too, was pained. How *could* the General be so perverse as to hint that the present relationship between the Big Two dates back to Yalta! Surely everyone ought to know that but for American resistance Stalin would have gobbled up the other half of Europe as well. Be that as it may, it is indisputable that in 1944-45 America and Britain agreed to certain arrangements which legitimized Soviet control of Eastern Europe.†

Now it may be held that they had no option. That at any rate was how Roosevelt saw it. Churchill was less sure. In May 1945 he advised Truman (who had taken over in April) that the Western Allies should hold on to their existing positions "in Yugoslavia, in Austria, in Czechoslovakia, on the main central United States front, and on the British front . . . including Denmark," pending an over-all political settlement with the Soviet Union.** However, Washington decided otherwise, on the grounds that a breach with the Russians must be avoided, if only because they were in effective occupation of Berlin and Vienna and might have denied the Western Allies access to those cities.

This was a common-sensible attitude, setting aside Roosevelt's earlier delusions as to his ability to make a "deal" with Stalin. Nor did the outbreak of the "cold war" two or three years later make any difference. "Cold war" and "coexistence" have always been two sides of the same coin: a circumstance obstinately ignored by right-wing and left-wing critics of U.S. policy alike. There are still (one gathers) some ardent pen-pushers around who go on arguing that the "cold war" was all the fault of their own side, and not of the Russians, who merely wanted to be left in peace. This may be a useful corrective to Dullesian fantasies about a "Communist conspiracy" to take over the world, but from a European standpoint—or a Gaullist one, which comes to the same—it is not terribly relevant. No matter who started the mutual game of bluff known as "the cold war," what most Europeans have come to dislike is the initial carve-up itself. The logical consequence of this particular line of reasoning is simple: The cold war will only come to an end when the Americans and the Russians have *both* gone home. Then, and then only, can the two halves of Europe be re-united.

This is emphatically not what the British or the Germans believe (they want the Americans

* Princeton University Press. 294 pp. $6.50.

† For details see Herbert Feis, *Churchill, Roosevelt, Stalin: The War They Waged and the Peace They Sought*, Princeton University Press, 1957.

** Feis, page 636.

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to stay and the Russians to go). But it is what the Old Man in Paris believes. It is also increasingly what the Rumanians and the Yugoslavs suspect to be true. The Czechs were probably beginning to think so too until they were told to stop thinking and revert to the simpler habit of obeying orders. (Incidentally, the present writer is willing to bet his bottom dollar that the next move on the chessboard is going to be a military pipeline linking Bucharest with Paris, and thus indirectly with the West, though not with NATO, which remains taboo for roughly the same reason that "CIA" has become a naughty word among liberal intellectuals.)

NOW FOR A sophisticated defense of Bismarckian *Realpolitik*. Having started with that elegant and persuasive disciple of Bismarck, George Kennan, we might as well go the whole distance: Let us hear a noted British historian—Mr. F. H. Hinsley of St. John's College, Cambridge, a recognized authority on international law and the author of a standard work on political history, *Power and the Pursuit of Peace** (much superior, by the way, to Mr. A. J. P. Taylor's perverse nonsense). Mr. Hinsley has this to say about the Yalta and Potsdam settlements:

> Important parts of the peace of 1945 have not even been formally ratified, but like the settlements of Westphalia in the 17th century and Vienna in the 19th it will go down as significant in history.†

The Vienna Congress of 1814-15, which terminated the Napoleonic era, needs no explanation. But why the reference to the Treaty of Westphalia in 1648 which put an end to the Thirty Years War? Because what was then "settled" was the fate of Central Europe. The arrangement was fairly crude, but it lasted. The basic rule was simplicity itself: Everyone was to keep what he had, no matter how or when he had got it. Furthermore, Catholic and Protestant rulers (the war had, after all, started as a "religious crusade") were granted a free hand with their respective subjects. The principle of *cuius regio eius religio*, already proclaimed a century earlier in Germany, was now extended to the whole of Europe. For the Czechs this meant that the Habsburgs were free to get on with the business of imposing the Counter-Reformation on the country, its Protestant nobility having been slaughtered in 1620-21 and the middle-class nonconformists—led by scholars like Comenius—driven into exile thereafter. Correspondingly, Protestant rulers felt free to massacre Catholics—as Cromwell did the Irish Catholics. All this is old and familiar stuff to Europeans, but not perhaps to Americans, even though it was they who benefited from the resulting population movements.

Now what is the point, you may ask, of bringing all this ancient stuff up at the present time, when we have so many more urgent things to worry about? Simply that the British, the Germans, the French, the Poles, the Czechs—and who knows, maybe the Russians too—believe the settlement of 1945-48 may come to rank with the Peace of Westphalia, in that it will retrospectively be seen to have legitimized the partition of Europe along an East-West axis determined by the arrangements then entered into by the Big Three (there were Three then, there are only Two now). Could this outcome have been avoided, or significantly altered, by different dispositions on the part of the Western Allies? Mr. Hinsley (a political conservative, it might be remarked) does not think so. Here is what he has to say on the topic:

> Every significant territorial gain that Russia has made since 1945 was made in the few months in which the Second World War was being wound up, and even in those months the gains she sought were limited by the checks imposed by the emergence of the United States with power that balanced her own . . . the most significant facts in the most recent analysis of the Potsdam Conference of 1945—which was the nearest thing to a general peace settlement that the Powers were able to achieve—are, first, that there was no power on earth that could impede Russia in her determination to have her way in the settlement of Poland, Finland, Bulgaria, Hungary, and Rumania, and, second, that not even this determination was as pronounced as Russia's lack of interest in outlying matters in which the Western Powers dominated, as she now dominated in Eastern Europe. . . . She could have excluded the West from Austria; demanded her say in the resettlement of Italy and Greece, including a share in Italy's African colonies; insisted on a revision of such questions as the international control of Tangier and the Turkish Straits. She raised all these questions. But she raised them only as bargaining points, never pressing them except to gain agreement to her immediate wishes. Even they were somewhat more limited than is sometimes supposed. A smaller Poland—and a larger Eastern Germany—would have been no worse a settlement for her in the long run. Only her uncertainty as to how far she should or could retain control of Eastern Germany can explain the determination with which she nevertheless insisted that Poland's western frontier must be the Oder-Neisse line (p. 352).

I have quoted at some length because Mr. Hinsley's dispassionate language is a useful antidote to the feverish rhetoric commonly employed by cold warriors and coexistentialists alike. What these rival propagandists have in common is a curious inability to perceive that they are quarreling about nothing at all. And so, for the benefit of these embattled scribes, I shall cite Mr. Hin-

*Cambridge, 1963.

† I cite from the 1967 paperback reprint, p. 351.

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sley's observations on the balance of power:

> It is perhaps time that the limited nature of Russia's aims in the post-war settlement were given as much prominence as the determination with which she pursued them. It is certainly time to abandon the view that, apart from completing her position by the absorption of Czechoslovakia, she ever intended further expansion into Europe and that only the American monopoly of the nuclear weapons up to the early 1950's prevented catastrophe for the West . . . the American position contained her long before the policy of containment was invented. It would have contained her if the weapons had never been invented (pp. 252-53).

This last seems questionable, but no matter. Mr. Hinsley, like Mr. Kennan, takes no account of Leninism as a dynamic factor in Stalinist policy. This may be a misjudgment, but it is in line with the traditional diplomatic approach: Ideology, according to this line of reasoning, is never more than a cover for the extension of power—at best its legitimization, at worst mere hypocrisy. As for the choice between cold war and coexistence, the answer should by now be obvious: They are identical, two sides of the same devalued coin.

WHATEVER MAY BE thought of the underlying philosophy, Mr. Hinsley's evaluation of the Big Two compact to refrain from committing suicide is sound enough as far as it goes. "Russia and the United States have each become Powers on such a colossal scale that, whatever the number of its allies, neither can hope to defeat the other, and thus constitute an all-pervasive and ineluctable check upon each other" (p. 353). One may also agree that "they will begin to collaborate in other ways 'between the brinks' and in particular . . . they will find it more practicable to limit the armaments of other states than to control their own" (p. 355). This last, of course, is just what de Gaulle resents. So does Mao Tse-tung. The British, on the other hand, have decided to be philosophical about it, on the sensible grounds that there is nothing to be done about it anyway.

So far, so good (or bad). But if nuclear war between the Big Two is ruled out for all practical purposes, limited warfare by proxy is not. Last year the world got a brief foretaste of the probable shape of things to come, when Egypt and Israel slid into war: to their own surprise and certainly not because they had been egged on by their respective backers.* Next time . . . but if there is a next time in the Middle East, we shall know that the Russians have willed it. For in *this* area at least the USSR has now acquired sufficient political and military control to stop a war if it does not want one. It has also obtained a position which in effect makes it the second-ranking power in the Mediterranean. And at this point Mr. Hinsley's neat construction, however appropriate for the situation in 1945 and immediately thereafter, begins to lose some of its plausibility.

Consider the implications of the Soviet Union's present military policy, from the recent doubling of its stockpile of landbased intercontinental missiles† to the expansion of its naval strength, making it the world's second maritime power. When combined with aggressiveness in Central Europe —at the expense of friends and allies—and a forward strategy in the Middle East, this does not look like the behavior of a power intent on nothing but its own safety. Russia's aims may still be "limited," but then so were Hitler's: All he wanted was control of Europe. Having got that he would have been quite willing to leave the British in possession of India. Not only did he say so; there is every reason to believe that, down to the autumn of 1940 when he expected Britain to throw in its hand, he actually meant it.

In this sense the USSR's aims too may be "limited," for there is reason to believe that its rulers are not averse to the idea of making a deal with the United States. But the limits are sufficiently flexible to permit expansion into areas weakly defended or regarded as expendable by the West. All of which is quite compatible with the neo-Stalinist ideology that identifies the progress of "socialism" with the growth of the USSR's strength and the enlargement of what in old-fashioned language would be called its "sphere of influence." It is also quite in accordance with the traditional aims of Tsarist policy, as currently interpreted by the *Capomafiosi* in the Kremlin and their paid or unpaid hacks abroad. Tito and Ceausescu at least have no illusions on this score, and neither has Mao Tse-tung, though if someone were to ask him how Soviet imperialism is to be explained in Leninist terms, he might have a hard time answering the question. After all, the USSR does not exactly suffer either from a shortage of raw materials or from a superfluity of exportable investment goods, hence its expansionism cannot be attributed to pressures arising from the economic sphere. At a pinch, Mao might argue that the "revisionists" in the Kremlin (who are in fact old Stalinists, although lacking the personal qualifications of their late teacher) have sunk to the level of "great power chauvinism." But although doubtless true enough, this is not much of a Leninist explanation, and anyway Castro takes a different view of the matter: In his eyes the Russians are culpable for one reason only—they are making too many concessions to the United States, notably in failing to back his own activities in Latin America.

*See Theodore Draper's "Israel and World Politics," COMMENTARY, August 1967.

† According to the annual report issued by the British Institute of Strategic Studies, cited in the London *Times* of September 13.

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ALL TOLD, the outlook for disarmers is bleak, for if anything is certain, it is that the Kremlin, by its recent behavior, has started off another arms race. The *Economist* of August 31 merely stated the obvious when it predicted an American decision to "block the attempt the Russians have been making over the past few years to pull themselves up to a level of nuclear equality with the United States." The technical details—"multiple independently targetable re-entry vehicle," and all the rest—concern only the specialists. What matters is the new political climate which has made an understanding between the only two existing Great Powers more difficult. Such coldness is in principle quite compatible with the continuation of the basic line pursued by both sides since 1945. The Russians knew beforehand that the United States would no more interfere in Czechoslovakia than they themselves would intervene in Guatemala (as on Castroite principles they ought to, but won't). Hence it can be argued that fundamentally nothing has changed. But then nothing fundamental had changed in Anglo-German relations after 1900 either—except that the Germans had started building a big navy and suddenly began to look like dangerous rivals, whereas until that date they had seemed self-centered, provincial, and even a trifle ridiculous.

It is always dangerous to extrapolate from past experience, but Soviet-American rivalry is beginning to resemble the Anglo-French antagonism of the 17th and 18th centuries and the Anglo-German conflict of the 20th. The outcome may be different, but the underlying constellation is surprisingly similar. Rival world powers have clashed before and may do so again, openly or by proxy. In the struggle between Britain and France—to say nothing of the earlier conflict between England and Spain—religious ("ideological") animosities also played their part and at times even overrode conventional political calculations.

Russia's new "forward strategy" in Central Europe may have been motivated by the simplest of military aims: the desire to improve the Soviet Army's position vis-à-vis NATO in general and West Germany in particular. But when combined with the evident jitteriness of Russia's rulers, their growing incompetence, and their patent unwillingness to spare the feelings even of fellow-Communists, this sort of aggressiveness takes on a coloration with which Europeans are only too familiar. Imperial rivalry antedates by several centuries Lenin's mental exercises on the topic of capitalist expansion into backward areas. Even granted that everything he said in 1916 was true for the genesis of the First World War (actually he underrated the importance of national antagonisms and political miscalculations), Lenin's theory of imperialism breaks down when applied to the behavior of his heirs: the present rulers of the USSR. They are expansionists all right, but not for any reason that can be discovered in Leninist textbooks (or Maoist ones, for that matter). Paradoxical though it may sound, the world would be a safer place if Leninism provided a clue to international relations. Unfortunately it doesn't. To understand what is happening in Central Europe these days, one has to go back to the age of the Counter-Reformation. It is not an enjoyable experience, but it brings one up against realities that have shaped history for centuries—and continue to do so.

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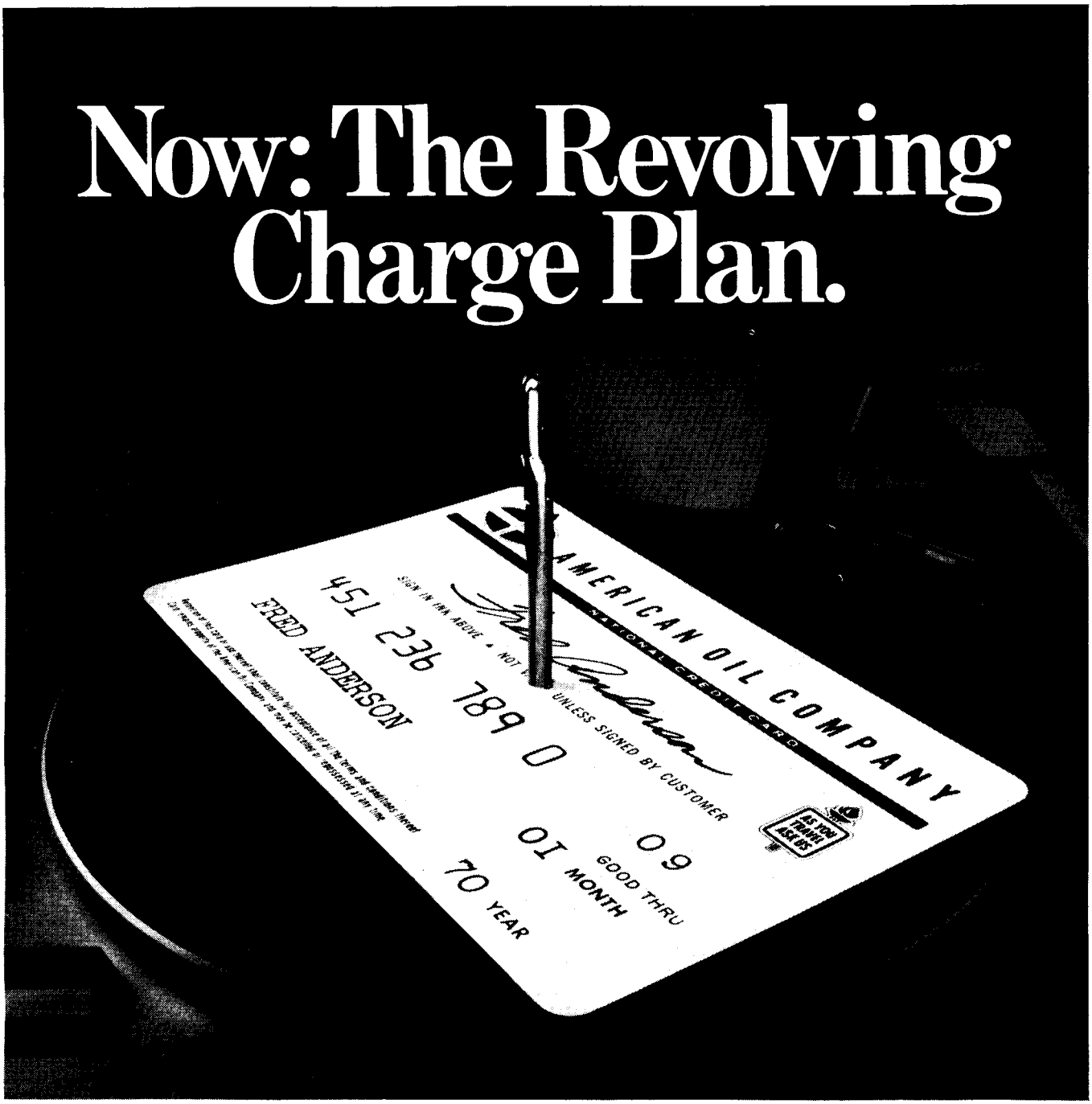

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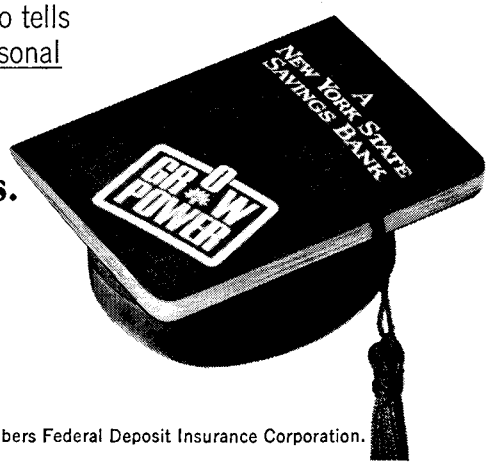

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Vietnam and the Law

The Theory & Practice of Civil Challenge

Beverly Woodward

On July 10 of this year four men were sentenced in Boston to two years in prison for conspiring to counsel young men to violate the nation's draft laws. They were the renowned pediatrician Dr. Benjamin Spock, Yale University Chaplain William Sloane Coffin, Jr., writer and college teacher Mitchell Goodman, and Michael Ferber, a Harvard graduate student. (A fifth defendant, Marcus Raskin, had previously been acquitted.) This marked the end of the first chapter in a case which has already stirred considerable controversy and which may prove to be of landmark importance, should the Supreme Court eventually agree to hear it on appeal. But the case has aroused something more than controversy. Even more significantly, I think, it has been a source of considerable confusion. Those who followed the case knew that the defendants had quite openly declared their opposition to the war in Vietnam on both moral and legal grounds and that they had offered moral and financial support to those young men who refused to participate in the war. Moreover, they knew that some of the defenddants had practically asked to be arrested on certain occasions, stating that their actions (such as helping with the turning in of draft cards) obviously violated the law. To most observers, therefore, this looked like a clear-cut case of civil disobedience, that is, a case where men had publicly disobeyed the law for the sake of conscience. Presumably these men were ready to accept the consequences of their actions. Why, then, did they not act like civil disobedients after they were indicted and their case went to trial? Why did they contest the charges brought against them? Why did they plead "not guilty" rather than acquiesce to whatever penalty might be meted out by the court?

The obvious answer and the conclusion reached by many was that the defendants had weakened when actually confronted with a prison sentence. Rather than face the consequences of their actions, they had tried to find a way out. In this article I shall try to show that this was not the case and that the seeming inconsistency of their actions arose more from a lack of clarity on their part concerning what they were doing than from any moral wavering or weakness. In other words, the defendants' confusion led to the public's confusion. But this confusion was understandable, for it stemmed from a major lacuna in our political vocabulary.

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I

Civil disobedience is by now a familiar form of lawbreaking. What is familiar, however, is not always well understood. One sign that civil disobedience is not too well understood is that it is often lumped together with or confused with actions that are actually quite different from it. It may in fact be taken to be almost any kind of lawbreaking engaged in on moral grounds or for the sake of some sort of political goal. Consequently, it may be thought to include essentially uncivil dissent or rebellion on the one hand, and challenges to the constitutionality or validity of statutes, commands, or governmental actions on the other.

It is this second kind of action that I wish to discuss here. Though it has often been lumped together with civil disobedience, I believe that it differs from civil disobedience in significant ways and that it merits a label of its own. I therefore have coined the phrase "civil challenge," which I define as: the deliberate, public nonviolent infringement (or what is likely to be deemed an infringement) of a law or command on the grounds that the law or command is without legal validity, particularly where the primary aim of such action is to bring about a change in governmental policy.*

* Just as there exist cases of violent *disobedience* to law, which nevertheless may purport to be morally grounded, so there can exist cases of violent *challenge* to the validity of a law or command. That is, civil disobedience and civil challenge have as their counterparts uncivil disobedience and uncivil challenge. But I am devoting my attention here to civil (or *nonviolent*) challenge as a contribution to the ongoing discussion concerning the forms of nonviolent action available to those who seek to bring about political change. And I suggest later that this kind of action could be replaced by an even more effective and "rational" form of action if certain changes were instituted in our judicial system. The premise underlying the whole discussion is that the primary responsibility of those who are distressed by violent disruption is to point out and to help create alternative forms of action.

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The inclusion of the phrase, "particularly where the primary aim of such action is to bring about a change in governmental policy," may seem to make my definition unnecessarily restrictive. There are challenges to the law undertaken primarily for the sake of obtaining a private advantage. A man may break a law or regulation and then test its meaning and legality in the courts principally for the sake of advancing a personal interest. But I am concerned mainly with the appeal to the judiciary as a form of *political* action and I therefore have framed my definition to focus especially on such cases.

I recognize, however, that the focus is not perfect and that the definition leaves considerable room for borderline cases. For example, when a religious sect attempts to secure freedom from governmental harassment, is it pursuing a private interest or is it pursuing a political goal? It seems to me that one cannot give an abstract answer. It depends on the circumstances of the particular case. Sometimes private interest and the common good may be inextricably intertwined. What is crucial in such cases is the way in which the action is conducted. Is the emphasis on private injury or is the emphasis on the constitutional issues and the public wrong involved?* A true civil challenger does not want to win for the "wrong" reasons or in the "wrong" way. He does not want to win, for example, because the authorities decide on merely prudential grounds to leave him alone; and if he goes into the courts, he does not want to win his case on a technicality. In fact he will do all that he can to structure his argument so that this will not happen.

TAKING MY definition as it is, then, what distinguishes civil challenge from civil disobedience? Although the lines are not always hard and clear, for the sake of creating "ideal types" let me make the following distinctions:

(1) Acts of civil disobedience and acts of civil challenge sometimes differ in the kind of objectives they pursue and they always differ in the remedies they seek. Some acts of civil disobedience may be quite apolitical and may be undertaken only to maintain the "purity" and integrity of the individual (or group). In those cases where civil disobedience does have political objectives, it attempts to achieve them through an appeal to the conscience of the entire body politic or some segment of it—or sometimes through the pressures created by disruptive action—and it aims at obtaining political change through *legislative* or *executive* action. By contrast civil challenge is by definition *always* politically motivated and is primarily an attempt to appeal to and put pressure on the courts. It is only secondarily an appeal to other parts of the body politic. Civil challenge seeks to obtain change through *judicial* action.

(2) Civil disobedience is, as just stated, primarily an appeal to conscience, whereas civil challenge is primarily an appeal to already existing "fundamental law."

(3) The apolitical or anarchistically inclined civil disobedient may be satisfied with a remedy which affects only himself. (Thoreau probably would have been satisfied if the tax collector had just stopped visiting *him*.) The civil challenger always seeks a more general and a more enduring remedy. He believes that judicial action, and in this country action by the Supreme Court in particular, fulfills these objectives better than legislative or executive action.

(4) Civil disobedience may, for the sake of creating disruption, involve breaking laws which the protester is not trying to have changed, while civil challenge only involves transgressing laws or not heeding commands whose validity is challenged. In the case of civil disobedience, disruption is often believed to be necessary to attract the attention of those segments of the public which are indifferent to the wrong being protested. In the case of civil challenge, however, the aim is to get the courts to recognize the *legal* wrong which exists. Therefore, the effort of the civil challenger must be to present the most clear-cut case possible, not necessarily the most stirring or "jolting" case possible. It should be mentioned, though, that just as the civil disobedient sometimes breaks laws which are only indirectly related to the wrong which is being protested, so the civil challenger may challenge the validity of a statute or command as an indirect means of challenging some even greater legal wrong (as at present when a man who could get a draft deferment or exemption nevertheless chooses to break some Selective Service regulation thereby making it likely that he will eventually be ordered to report for induction; this gives him the chance to refuse to serve and thus the opportunity to raise in the courts the question of the legality of American action in Vietnam).

(5) Both civil disobedience and civil challenge involve an element of obedience. The civil disobedient, however, invokes higher moral laws, while the civil challenger invokes the highest laws of the polity. The civil challenger may in fact see his action as not being disobedient at all, since he does not concede the validity of the law or command not followed; but the very term "civil disobedience" implies that disobedience is involved and the admission that a law has been broken.†

* This is a particularly difficult example because it is not clear when and to what extent a public wrong is involved when injury to conscience takes place. By public wrong I mean here a wrong that injures the body politic as a whole. The difficulty arises because it is very hard to find objective criteria which identify a public wrong.

† See Richard Wasserstrom's comments on this point in "Civil Disobedience," a booklet published by the Center for the Study of Democratic Institutions, 1966, p. 18.

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So much for some of the theoretical distinctions. What should be clear is that the civil challenger will adopt a much more aggressive stance in court than the civil disobedient, that he will always plead not guilty (since he is contesting the law or some application of it), and that he will view his trial not just as a trial of *his* actions, but as a trial of what purports to be law and as a trial of those responsible for making and enforcing the law. Finally, unlike the civil disobedient, who will use his trial primarily to awaken the conscience of the general public, the civil challenger will use his trial primarily to attempt to bring the courts to play a more active role in the political process.

Having made the distinction between civil disobedience and civil challenge, I do not want it thought that I am saying that the second form of action is superior to the first. If the individual is concerned with being as effective as possible, it might be argued that he should choose civil challenge whenever the circumstances permit. There may be cases, however, when it will seem more effective to appeal to the general public, even though a legal appeal is technically possible.

II

The United States has, as we know, a unique Constitution and an even more unique constitutional history. It is this history which makes it possible to speak not only of a theory of civil challenge, but also of its practice. For even if not baptized as "civil challenge," this kind of action has often been undertaken, perhaps most notably in the campaign for civil rights. Certainly a great deal of what was called civil disobedience in connection with that campaign properly belongs in the category of civil challenge. The fact that in most cases the rights sought were asserted to be rights already guaranteed by the polity should make that clear.

Other well-known cases of civil challenge have involved publicly transgressing statutes or executive orders concerning: the relocation of Japanese-Americans in World War II, the right to strike, the use of the streets for large demonstrations, the investigative powers of the House Un-American Activities Committee, the government's taxing powers, and the dispensing of birth-control information.

The last example provides a particularly clear-cut instance of civil challenge. In Connecticut, the Planned Parenthood League opened a center in New Haven in 1961 which not only disseminated information concerning birth control, but also provided birth control devices for a small fee (or in some cases for no fee). The express purpose of opening the center was to test the constitutionality of certain Connecticut statutes, enacted in the 19th century, which made it illegal both to use contraceptive devices and to provide such devices to others for their use. When the case reached the Supreme Court in 1965, the Court ruled that the statutes were in fact unconstitutional because they interfered in an unjustifiable way with freedom of association and because they involved an invasion of a zone of privacy that is protected (albeit indirectly) by the Bill of Rights.

Not all the challenges I have mentioned were as successful as this one, but all of them were made possible by the language of the Constitution and, more importantly, by the power of the Supreme Court to interpret that document. The language of the Constitution is important because it embodies explicitly many widely acclaimed political rights and implicitly some of the fundamental moral values of Western society. The power of the Supreme Court is even more important because it has enabled the Court to become involved in "a kind of continuous constitution-making"* whereby these rights and values have been expanded and secured. It is this combination of circumstances which makes it possible to view the Supreme Court as having a potentially revolutionary function, since it may bring about a radically new understanding of the fundamental law to which all other law and all governmental action must conform, and yet as being an essentially conservative institution, since it is charged with preserving the ideas and ideals of the Founding Fathers. Of course, these two attributes of the Court are not always in harmony, yet sometimes it is only by taking what looks like a radical step that the Court is able to uphold the most long established values of the American republic.

If, as Barbara Deming has said, "The most effective action *both* resorts to power *and* engages conscience,"† then the American constitutional system provides channels for a type of action which, potentially at least, can be very effective. I have said that civil challenge is not primarily an appeal to conscience. That is true in one sense. Yet in another sense civil challenge can be seen as an appeal to a certain form of conscience, namely to that amount of conscience which is already embodied in the law. Although there are some flaws in the way in which civil challenge must function under the American system (which I shall discuss later), it is obvious, I think, that committed civil challengers in this country have achieved notable gains for the polity. To be sure, some sorts of demands have been more easily accommodated than others. Demands for economic justice, for example, have often fared less well

* The phrase comes from Hannah Arendt's *On Revolution*, a book to which my thought is very much indebted.

† See her thoughful article, "On Revolution and Equilibrium," in *Liberation*, February 1968, p. 14.

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than more strictly political demands.* It remains to be seen to what degree this situation is remediable without major constitutional amendments.

I do not wish to seem overly sanguine about the possibilities of the kind of action I am describing. Fundamental legal growth which brings with it a change in the political order cannot occur solely through the actions of the courts. Here Judith Shklar and other critics of "legalism" are quite right. Some readiness for the actions of the judiciary must already exist in the body politic. But it is important to note that civil conscientiously rescientiously carried out and conscientiously rerepeated, may have an educative effect on the body politic and may help to create this readiness. It may, in effect, help to create the conditions for its own eventual success. Furthermore, the civil challenger can supplement his challenge with other forms of action aimed more directly at the general public. But he cannot, without contradicting his goals, substitute any other form of action for the challenge itself. For what he seeks is neither something so mild as a new law nor so drastic as an overthrow of the existing order, but instead a reinterpretation of the framework within which the body politic is to move. Of course, a ruling of the judiciary may be defied. But that in no way negates the fact that the rulings of the Court, when favorable and when complied with, accomplish just what the civil challenger seeks and that nothing else, except possibly a constitutional amendment, could do the same thing.

III

THESE CONSIDERATIONS are particularly well illustrated by the actions of many presently active draft resisters.† Though some of them wish only to assert their autonomy from the government, and their utter unwillingness to take part in its foreign adventures, others wish to help create precedents which will effectively limit the government's war-making powers now and in the future. A noteworthy instance is the case of David Mitchell, who has been called "America's foremost draft challenger." He has not used his "disobedience," namely his refusal to report for induction, merely for the sake of gaining exemption for himself from taking part in the government's activities in Vietnam. Rather, he has sought to have those very activities declared in violation of the Constitution and of international law. His aim has been to inhibit the government's capacity to continue the present war and at the same time to reestablish as a fundamental tenet now and for the future that "the war power of the United States, like its other powers, . . . is subject to applicable constitutional limitations."** When Mitchell's case reached the Supreme Court, the Court declined to review it; however, Mr. Justice Douglas dissented, indicating that while the case involved "extremely sensitive and delicate questions," they were questions which in his judgment should be answered.†† In a subsequent case involving three Army privates who sought to prevent the government from shipping them to Vietnam (popularly known as the case of the Fort Hood Three), simliar issues of constitutional and international law were raised, and in this case both Mr. Justice Douglas and Mr. Justice Stewart dissented from the Court's denial of *certiorari*.***

Some who are opposed to the war in Vietnam and sympathetic to the draft resisters have nevertheless voiced reservations about draft resistance. They believe that such activity may be politically ineffective or "counter-productive" due to the hostility it will arouse in the general public.††† Such considerations merit attention. But in asking questions about effectiveness it is also important to ask whether the action under consideration makes it quite clear just what it is that is desired and what it is that is rejected. The current civil challenger who challenges the draft believes that it is important to bring about a reformed legal order rather than simply to obtain new leaders or a change in our foreign policy. Leaders come and go, and policies may shift under the exigencies of the moment (such as the need to please the electorate), but fundamental reinterpretations of the legal order have the capacity to alter enduringly the shape of the future by altering the framework within which all other change will occur. Even

* I am thinking of cases such as the child-labor case of 1921 which overturned a federal law making the interstate shipment of child-made goods illegal on the ground that the law was not truly a regulation of commerce among the states, or the Debs decision in which it was held that the federal courts could (without benefit of an act of Congress) issue injunctions against strikes that threatened to impair interstate commerce.

† At this point I should probably explain how I define several key terms. By "draft refuser" I mean one who refuses induction, whether solely on grounds of conscience or whether for the sake of political aims or for the sake of having his classification reviewed in the courts. By "draft challenger" I mean one who refuses induction and who uses his refusal to create a challenge to the constitutionality of the Selective Service Act and/or to the legality of the war. By "draft evader" I mean one who avoids military service by subterfuge or by leaving the country. By "draft resister" I mean a draft refuser or a draft challenger or someone who supports draft refusal and/or draft challenge. I do not include draft evasion in this last category.

** Mr. Justice Brandeis speaking for the Court in *Hamilton v. Kentucky Distilleries and Warehouse Company*, 251 U.S. 146, 156. The quotation occurs in a brief written by Mitchell.

†† *Mitchell v. United States*, 386 U.S. 972, 87 *Supreme Court Reporter*, 1162, 1163.

*** At least four justices must be in favor of review for *certiorari* to be granted.

††† See the statement "Students & the Draft," in *Dissent*, May-June 1968, p. 193.

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when it is apparent that this kind of alteration cannot be brought about immediately or in the near future, it may be essential to focus on the fact that this is what is sought.

What the draft challengers stress is that our system of checks and balances is threateningly out of kilter and that the primary problem is not *who* is to be President, but *how the President may use his office*. The question is whether the American system of checks and balances can be made to work once again in view of the vast amount of military power at the disposal of the Executive. Furthermore, they insist that the Supreme Court must begin to play a more active role in the interpretation and enforcement of international law and that it will not do so except under the impact of challenges such as theirs.

It is unfortunate, of course, that in the popular mind draft evasion and draft refusal (whether based solely on grounds of conscience or whether undertaken with political aims in view) are often regarded as the same thing. The solution, however, is not, it seems to me, to discourage conscientious draft refusal or draft challenge or the draft resistance movement in general, but rather to try to expand the awareness of the general public and to point out what should be obvious: that the draft refuser is led to refuse precisely because he is unwilling to evade. Furthermore, as is usually admitted even by the supporters of the war, the individual who strongly believes the war to be immoral or illegal or both has little choice except refusal if he is asked to serve in it. The only question is whether he is going to accept the role of a martyr or whether he is going to challenge the government's right to make him a martyr. In either case there may be some who will label his refusal to serve "radical resistance," implying that the action is an extreme one, but it may not seem that way to the resister. In his eyes it may be simply the only appropriate action he can take given his perception of the existing moral and political reality.

The draft *challenger* would be especially adamant on this last point. If one is confronted with a crime, he might argue, and asked to take part in it, one can say "yes" or one can say "no" or one can try to ignore the invitation and walk away. But crime is not suppressed either by saying "yes" or by walking away, but only by saying "no" (up till this point he and the civil disobedient draft refuser would be in agreement) *and* by calling in the proper authorities. If the proper authorities do not exist, then one tries to help create them.

THERE IS, nevertheless, a sticky point for the individual who is convinced of the illegality and the immorality of the war. This concerns the question of the proper point of refusal. At what point should he make it clear that he will not contribute to the war effort? Some take the position that the most appropriate moment is when an order to report for induction has been received, while others argue that resistance at that point may be "premature" since the individual cannot be sure that he will be sent to Vietnam. Individuals who have decided to refuse at the point of induction counter this reservation by arguing that since the draft is currently an instrument used to further an illegitimate enterprise, they are obliged not to allow themselves even to be inducted lest they appear to be conspirators or accomplices in that enterprise. (They also argue that they would be supporting the Vietnam adventure indirectly merely by being in the service, no matter where they were sent.)

Somewhat ironically, the government's charge of conspiracy in the case of the Boston Five (Spock, Goodman, Coffin, Raskin, and Ferber) lends weight to this argument. Conspiracy is a charge that may be used either against those who support and promote a war or against its opponents, depending on whether the war is believed to be illegal or not. Conspiracy was as a matter of fact a major element in the charges at Nuremberg. Now if one contends, as did the government —and indeed the judge—in the trial of the Boston Five, that an individual can be held guilty of conspiracy by virtue of agreeing to commit *one* act which furthers an illegal enterprise, even though the illegality of that enterprise is not manifest and in fact is a subject of dispute, and even though the individual has not taken part in planning that enterprise, then the circumspection of those who refuse induction hardly appears excessive.* This conclusion seems all the more evident when one considers that a conspirator may be held accountable for *every* act committed by anyone in the course of the "conspiracy" (at least if those acts could reasonably have been anticipated).

A conclusion one might draw from these remarks is that conspiracy charges are quite unsuitable where alleged political crimes are concerned, a conclusion in which I am inclined to concur. A further conclusion might be that even if conspiracy were eliminated as a possible political crime (or extraordinarily tightened up in its definition), it should be legally possible to dissociate oneself from governmental actions of contested legality without incurring criminal sanctions in the process. In other words, even if an individual cannot argue that he may be liable to punishment at

* The conspiracy charge was actually applied in a much more restricted way at Nuremberg, but the Nuremberg Charter and the subsequent formulation of the "Nuremberg Principles" by the International Law Commission of the United Nations are phrased in such a way as to permit a considerably looser application by some future international court or victor's tribunal. The point is not that it is *likely* that some future tribunal will convict and punish a man who merely accepted induction into the armed forces of a country engaged in an illegal war. The point is that theoretically it could do so, given the current state of international law.

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some future date because he took part in a governmental enterprise which he believed to be illegal at the time and which was later held to be illegal, still he should be able to dissociate himself from governmental enterprises whose legality is doubtful without having to go to jail or pay some other penalty as a result. The criterion for penalty-free dissociation should not be that association might render a man liable to prosecution in the future, but only that no one can rightfully be compelled to contribute to an illegal undertaking.* In order to apply this criterion in favor of a petitioner, the Court would have to rule either that the contested activity was in fact illegal, or alternatively that the petitioner had reasonable grounds for believing that the activity *might* be illegal as long as its legal status had not been established by the proper authorities. Conceivably the second possibility might be utilized with regard to the war in Vietnam, and the Court could hold that the war's legality or illegality under international law ought to be established by some higher authority. It might indicate what that authority would be; for example, the United Nations or the International Court of Justice or some presently nonexistent international tribunal.†

Even those who believe that America's activities in Vietnam have been and continue to be an illegal exercise of power under international law—or to put it less antiseptically, even those who believe the United States to be guilty of war crimes and of conducting a war of aggression—may be perplexed as to whether it would be more desirable for the Supreme Court to rule directly on the war's legality under international law or more desirable for it to indicate that the decision properly belongs to some higher authority. In one sense there is no higher authority; in another sense there must be one (read "come to be one") if certain sorts of problems are to be resolved satisfactorily over the long run. Even though technically the Court has the authority to rule on the war's status under international law, it might be preferable that it not do so, *if* it could use its abstention to aid in the development of badly needed international legal institutions. What I am saying is that the Court should take the course which is most likely to increase the effectiveness of international law and that at this point I am uncertain what that course is.

YET EVEN though one can argue that it would be more appropriate for an international body to rule on the questions of international law that are raised in the cases presented by the draft challengers, those questions involving the powers of the office of President seem to be directly within the province of the Court. It is true that the Court has often avoided such questions by an appeal to the political question doctrine. This doctrine, insofar as one can sum it up, states that certain questions should be resolved by what are called the "political" branches of the government, namely the executive and legislative branches, and that such questions are, for various reasons, not suitable for judicial determination. (The doctrine, as can be seen, is related to the doctrine of the separation of powers.) In the past, many questions related to the conduct of foreign affairs have been held to belong in this category. But this would be an odd doctrine to invoke when one of the major questions at issue is precisely whether one of the political branches has been infringing on the prerogatives of the other political branch. That would seem to be just the kind of question which neither of these branches could settle.

Evidence of this is provided by the continuing debate between the Senate Foreign Relations Committee and the executive branch. Parts of this debate are referred to in Mr. Justice Douglas's dissent to the denial of *certiorari* in the case of the Fort Hood Three where he points out Mr. Katzenbach's and Senator Fulbright's rather different views of the role Congress was intended to play in the initiation and conduct of war. It seems clear that as long as the Executive and Congress disagree about their respective roles under the Constitution, they can only resolve the difficulty by means of a power struggle. Yet a question of constitutional interpretation cannot really be "settled" in this way. Therefore, for the Court to say in this instance that the doctrine of the separation of powers prevents it from ruling on a constitutional question involving the separation of powers would be to go around in circles. It would be like saying: the Constitution does not permit us to do what it has empowered us to do.**

If the Court agrees to review a case which raises the question of the constitutionality of the actions of the Executive, it will be faced with a rather

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* A difficulty which judges and legal theorists will have to deal with is how to define what constitutes a "contribution" to such an undertaking.

† Professor Vern Countryman of Harvard Law School tells me that it is highly unlikely that the Supreme Court would state that the authority to decide such issues properly belongs in some presently nonexistent tribunal. However, the kinds of cases I am discussing are unprecedented in so many ways that I do not wish to preclude the possibility of an unprecendented type of action by the Court.

** The political question doctrine has always contained this potentiality for incoherence. This stems in part from the different and sometimes clashing aspects of the doctrine of the separation of powers, which was meant not only to keep the different departments from interfering with each other, but also to make it possible for them to act as checks on each other. It is important to note in the cases presented by the draft challengers, however, that the Court is not being asked to tell the Executive what *to do* in matters of foreign policy, but is being asked to lay down limits which will indicate to the Executive what he *cannot* do in the conduct of foreign policy.

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thorny problem which probably should be mentioned here. The problem stems from the constitutional provision which empowers Congress to declare war. As pointed out in the *Prize Cases* (1862), a formal declaration of war brings in its train a variety of legal consequences. The Executive has argued that in fighting limited conflicts it is often desirable not to invoke these consequences, and has used this argument as an excuse for not obtaining a declaration of war in the case of Vietnam. Yet even though it may not seem desirable to declare war every time the country is involved in a military conflict (from the pacifist point of view it is never desirable that the country declare war, but I am arguing here from a more "realistic" standpoint), it would seem desirable and in conformity with the intentions of the framers of the Constitution that Congress should play a major role in deciding what our military involvements are to be. Jefferson, for example, said: "We have already given in example one effectual check to the Dog of war *by transferring the power of letting him loose* from the Executive to the Legislative body, from those who are to spend to those who are to pay."* Surely that remark does not describe the present situation where Congress finds itself ratifying one *fait accompli* after another and often doing so on the basis of erroneous and biased information.

In a recently-filed taxpayers suit challenging the constitutionality of the war, Lawrence Velvel, a professor at the University of Kansas Law School, suggests a way out of this dilemma.† He contends that Congress can declare either a general or a limited war and maintains that a carefully specified limited declaration of war can be used to avoid invoking consequences that are not desired in a particular situation. He supports his argument with quotations from John Marshall and other early justices of the Supreme Court. Furthermore, he argues (in a very forcefully written brief) against the notion that declarations of war have somehow in recent years become outmoded. He states that such declarations were not "all the vogue when the Constitution was written, but the framers nevertheless wisely chose to hem in executive power by allocating to Congress the power to declare war." In sum, Velvel contends, and I think he is correct, that if Congress was given the power to declare war in order to prevent the Executive from using its own initiative to lead the nation into important military conflict, then there must be some functional flexibility in this power. The power cannot be held to be so inflexible as to make it impossible for Congress to act even in a conflict which, like the one in Vietnam, involves over 500,000 American soldiers.

It is to be hoped that serious attention will be given to these arguments. If it were granted that Congress has considerable flexibility in the kind of war it can declare, then the Executive could no longer excuse its failure to obtain a declaration of war by saying that such a declaration would mislead other nations as to the limited nature of United States objectives in a particular conflict. The "formalistic" reasons given for not allowing Congress to play the role assigned to it under the Constitution would lose their plausibility.

IV

BUT EVEN THOUGH it is possible to devise solutions to the theoretical problems the Court will face if it decides to consider the question of the legality of the war, many believe that the real problems are practical ones and that the corresponding reasons in favor of judicial abstention are also of a practical nature. Two sorts of practical considerations are usually mentioned. It is said that the Court's opinion, if adverse to the Executive, will not be heeded and that the Court will suffer a loss of prestige and authority; and it is said that it is necessary for the nation to present a united front in its dealings with other nations and that the judiciary should not do anything that would contribute to an appearance of disunity.

These considerations are important ones certainly, but perhaps less compelling than in the past. With regard to the Vietnam war it is a little late to speak of unity. The existing disunity of the country is already manifest to everyone, both at home and abroad. Indeed it may be that unity in wartime is a thing of the past, at least in this country. Interventions of the Vietnam type will no doubt continue to provoke great internal discord and a war involving nuclear weapons may not leave much time for thinking or for rallying round the national standard. In more general terms one can say that the justification of war in any form has become problematic to many and that an increasingly well-informed and skeptical youth is likely to continue to question our official foreign policy, whatever it may be. They can be expected to insist that unity is not a virtue if it is unity in folly or unity in crime.

The second objection to judicial intervention is a more weighty one. The Court will admittedly be taking a risk if it delivers an opinion in an area where it has previously remained silent. That risk, though, must be weighed against the long-term and not so long-term risks of relatively unrestrained action by the Executive. Anyway, an illegal war is a very complicated form of illegality.

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* Quoted by Mr. Justice Douglas in his dissent to the denial of *certiorari* in the case of the Fort Hood Three (*Mora v. McNamara*, 88 *Supreme Court Reporter*, 282, 284). Emphasis added.

† *Velvel v. Johnson, Rusk & Clifford*, Civil Action No. T-4417, filed in the United States District Court for the District of Kansas. Most of the brief he has written will appear in a forthcoming article in the *Kansas Law Review*.

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The Court would probably have to frame its judgment in such a way as to recognize that this complex illegal situation cannot be brought to an immediate end, however desirable that might be. As in the case of segregation, the Court might ask only that certain fairly feasible steps be taken in the immediate future. Such a ruling would be less likely to be flaunted than one of a more sweeping nature.

In addition, the climate for judicial intervention may improve as the flaws in the electoral process become more manifest to the general electorate. Even now there are a significant number of people who are looking for a way to inject more reason, judgment, and restraint into the conduct of foreign policy. The course of events may make it increasingly apparent to them that judicial institutions have an important role to play in this respect. To a growing number of people, thoughtful judicial action may come to seem more and more desirable.

V

IF CIVIL CHALLENGE is a respected part of the American legal tradition and a necessary part of the process of expanding and reinterpreting our fundamental law, then it would appear to be out of harmony with our constitutional system to prohibit its advocacy. Yet that in effect is what the current Selective Service Act does. This statute makes it a crime to counsel, aid, or abet any selective service registrant to refuse service and at the same time apparently makes it impossible for a registrant to test the constitutionality of certain portions of the statute, or of the statute as a whole when applied in certain ways, without first refusing induction. Thus, under the terms of the statute, anyone who counsels or aids a draftee to make a test case by refusing induction might himself be held guilty of a crime.*

It is because of the particularly dubious status of this section of the Selective Service Act that Spock, Coffin, Raskin, Goodman, and Ferber were quite right to follow their second thoughts and resist the charges brought against them. Some of the five may have at first envisaged their actions as civil disobedience, but they soon realized the necessity of contesting and challenging the charges with which they were faced. The situation was complicated by the fact that what they were charged with was not "counseling, aiding, and abetting," but "*conspiring* to counsel, aid, and abet." This necessitated a twofold response: they argued that first of all they did not in fact conspire and secondly that even if there had been an agreement (agreement being the central element in a conspiracy) to "counsel, aid, and abet," such an agreement would not be an agreement to do what is unlawful because the prohibition against counseling, aiding, and abetting is an unconstitutional one. They argued that it is unconstitutional not only on the grounds that I have mentioned, namely that it can be applied in such a way as to prohibit advocating or supporting "test cases," but also on the grounds that it inhibits or forbids kinds of speech which are protected by the First Amendment and which are necessary for the health of an open and democratic society.

It is unfortunate that the defendants were not more clear from the beginning about the nature of their action. Of course, they could not be expected to have anticipated a conspiracy charge, a charge which they had to resist because they believed it was both factually incorrect and the kind of weapon which could be used as a powerful deterrent to political opposition of all sorts in this country. But they could and did (except for Raskin) anticipate that they might well be indicted for "counseling, aiding, and abetting" and it would have avoided considerable confusion in the mind of a large part of the public if they had realized and stressed from the beginning the necessity of challenging the constitutionality of *that particular section of the Selective Service Act*. As it was, there were many who reproached them for not following in "the great tradition" of civil disobedience or for not being true to their cause.

The problem was, though, that they had more than one cause, partly because there were five of them and partly because of the complexities of the situation which they were protesting. Some of them probably thought of their protest as primarily a moral protest at first. Others had focused more on the legal aspects of their actions, but had a diversity of questions they wished to present in the courts. Theirs was a case of the indirect kind of civil challenge which I mentioned earlier. That is, by infringing the law they wished to challenge not just the law itself, but much more importantly the even greater illegalities being perpetrated by the government. Principally they wished to challenge the legality of the war and the legality of the draft when used as an instrument to prosecute the war. Quite rightly, they wanted to obtain rulings that would not only acquit them, but would also help to bring an end to the war and an end to the use of the draft for carrying on the war. For this reason they did not at first emphasize the "free speech" aspects of their case. But faced with the trial court's refusal to consider the central issues and faced with what Reverend Coffin termed the "demeaning" situation of being charged with the wrong offense, they were compelled to shift the focus of their attention.

* It is also possible for a draftee who wishes to test the constitutionality of the Selective Service Act to wait after he has been sworn into military service and then file a habeas corpus action to get out. But this is not a satisfactory procedure for most draft resisters, since if they lose, they will be caught within the military system.

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In sum, the diversity in the behavior of the defendants and the multiplicity of the defenses they have raised may be confusing, but under the circumstances it was probably unavoidable. Things would be a great deal simpler if it were possible to challenge the government more directly for its illegal, or seemingly illegal, actions. Why should a citizen have to break a law that is only related in a tangential way to the governmental wrong which he wishes to bring to the attention of the courts? Why should a citizen have to break a law at all in order to get the courts to rule on whether the government has broken the law? I shall return to these questions at the end of this article. But the questions are meant to indicate that the Boston Five were faced with a situation that was complex and that some of the complexities stemmed from irrationalities in our system of judicial review. Furthermore, it must be added that the defendants were in the position of undertaking a type of challenge for which there were few precedents. Therefore they had to take all the risks that are involved in learning by doing.

It may be worthwhile to return to one part of the preceding argument. I can imagine someone wondering whether there ought not to be some sort of limits to the right to advocate lawbreaking, even where the lawbreaking advocated is to be open and used as a means of testing a law's meaning or constitutionality. Is it so clear that it is always unconstitutional to prohibit the advocacy of what I call civil challenge? In one sense the answer is that it is not clear at all, since what is constitutional can be said to be what the Court declares to be constitutional, and the Court's position on this matter is not fully apparent. In *Keegan v. United States*,* the Court stated: "One with innocent motives who honestly believes a law is unconstitutional and, therefore, not obligatory, may well counsel that the law shall not be obeyed; that its command shall be resisted until a court shall have held it valid, but this is not knowingly counseling, stealthily and by guile to evade its command."

The stickler in that pronouncement revolves around the interpretation of the phrase "innocent motives." What motives are innocent? Are political motives innocent? Are some political motives innocent and others not? Which ones? How will the Court decide? Does the Court really want to discourage political challenges? Will that be to the benefit of our political processes?

IF THE CASES of Spock, Coffin, Goodman, and Ferber reach the Supreme Court and are reviewed there, it is possible the Court will feel compelled to come to grips with some of these questions. The problems here are complex because the central question involved is not just "When can the state permit the advocacy of unlawful activity?" but "When can the state permit the advocacy of activity of *contested* legality?" Surely the state does not want to be in the position of prohibiting the advocacy of *lawful* activity, yet it is always in danger of doing just this, if it prohibits the advocacy of activity whose legality is a subject of dispute. Moreover, even if the activity advocated should turn out to be unlawful, that in itself does not seem to be sufficient grounds for having prohibited its advocacy. As Mr. Justice Rutledge pointed out in *Musser v. Utah*,† what is presently unlawful may eventually become lawful (since new laws may be passed), but this is not likely to happen if no one is allowed to advocate that it happen. And one might add, what now seems unlawful may come to be seen as lawful, but it is not likely that that will happen if citizens are discouraged from advocating test cases. The fact that some of these cases will lose in the courts cannot be a reason for discouraging or prohibiting their advocacy in general. In the end, when one considers the words of the First Amendment, which, after all, are not vague (in my view anyway), and when one takes into account the fact that within our system there are no means of presenting certain sorts of challenges to the lawfulness of governmental activity without breaking a law, then it would seem that the Court should permit all forms of advocacy short of obvious attempts to incite to violence.

But even though the First Amendment may be held to protect nearly all forms of advocacy, I cannot see that it could be held to protect the substantive acts of civil disobedience or civil challenge themselves. That is, I do not think that one can reasonably argue that an individual should be immune from conviction solely on the grounds that he has broken the law for the sake of conscience or for the sake of creating a challenge to the law's validity. Harrop Freeman, for example, seems to take the position that the First Amendment protects civil disobedience and adduces as evidence the fact that the Court has in a series of rulings upheld the right to picket, the right to strike, the right to demonstrate, etc.** I think, though, that this argument is confused. It is not that the Court by these rulings has held acts of civil disobedience to be protected action; rather the Court has widened and clarified the scope of what is lawful to include acts which previously may have been considered by some to be civilly disobedient acts. It has said in effect that these actions were *not* cases of civil disobedience. (To use my terminology one might say that they were cases of civil challenge whose claims were vindicated by the Court.) Indeed, it is hard to imagine that the Court will ever rule that any and all

* 325 U.S. 478, 493.

† 333 U.S. 95.

** His views appear in the booklet, "Civil Disobedience," cited above; see pp. 5-10.

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action which is conscientiously motivated is lawful action. And as long as conscience and the law do not coincide there will inevitably remain the possibility of civil disobedience, that is, the possibility of unlawful, unsanctioned, but morally motivated actions. The tension between the state and the conscience of the individual or group cannot be so easily eliminated.

The same is true of civil challenge. Almost by its very definition civil challenge may fail. The law or command contested and infringed may be upheld. Can the Court then do anything but convict? Can it acquit a man on the ground that up till then the law was doubtful? If one answers in criteria for identifying laws that may legitimately the affirmative, then one must have a criterion or be held to be doubtful. Otherwise one may open the way for all kinds of unmerited and fraudulently obtained verdicts of innocence. Ronald Dworkin in an article in the *New York Review* earlier this year* has tried to provide such a criterion. He suggests that a law's status may be considered doubtful (for purposes of arriving at a verdict; in other contexts he thinks a law can be considered doubtful indefinitely) as long as the Supreme Court has not ruled that it is valid or that the political question doctrine applies. The first challenger or group of challengers should be acquitted, but if the Supreme Court does not uphold their contentions, any subsequent challengers should be convicted (unless, of course, the Court changes its mind about the law). Such a policy, however, hardly seems fair. Dworkin himself admits that it is often only as the result of a long and sustained series of challenges that the Court finally comes to see the objectionable and unconstitutional qualities of a statute or comes to the view that the political question doctrine does not apply after all. Why, then, should the first set of challengers be protected, while later challengers run the full risks of having transgressed the law? Does this seem to be a practice we would want to see established as a general rule?

IT SHOULD NOT be thought that I am against the government's taking measures for the benefit of the civil disobedient or the civil challenger. Quite the contrary. But easing the lot of the civil disobedient or the civil challenger should be accomplished in the most fair and rational way possible. When I say "fair" and "rational" here, I mean fair and rational within the context of some sort of legal framework, that is, a framework in which intuitions of justice have been replaced by explicit procedures and rules. Now it will not do as a general rule that men should be acquitted because of their motives, beliefs, or intentions—not only because motives, beliefs, and intentions may be difficult to ascertain, but also because any polity may wish to forbid certain behavior no matter how well-motivated or well-intentioned that behavior may be. In fact, that is part of what any legal system is all about. Certain kinds of acts are legitimized while others are placed beyond the pale of the system's approval. Consequently that point in the legal process where the decision for conviction or acquittal is made seems the least appropriate and the least defensible point to make accommodations for the benefit of the civil disobedient or the civil challenger. It is at this point that a legal system is least capable of flexibility.

There are, however, other points where accommodations might be made and there are important grounds for doing so. One of these grounds lies in the inherent fallibility and inevitable narrowness of any system and the consequent desirability of limiting the range of application of all systems. A second ground lies in the fact that a state may find it to its own advantage not to bear down too hard on dissident elements. Abstention from persecution is always desirable from a humanistic point of view and often desirable from the point of view of the state (ideally it ought always to be desirable from the point of view of the state too). Abstention from confrontation may or may not be desirable in a given case from these two points of view, but it must be recognized that *sometimes* benefits accrue to everyone if a confrontation is avoided. Finally, it is to the benefit of the law itself and to the benefit of the polity if there are established procedures whereby emergent notions of what is just and what is fair can be incorporated into the law. Such procedures should allow for and even encourage the contributions that can be made by dissident minority groups and individuals.

The grounds for somehow accommodating the civil disobedient or the civil challenger provide clues as to what sort of provisions might be desirable. The first and second grounds particularly provide reasons for not always prosecuting. Often it may seem either more humane or more convenient not to bring the force of the law to bear on certain individuals or groups who have transgressed the law. As Dworkin says in his *New York Review* article: "Society 'cannot endure' if it tolerates all disobedience; it does not follow, however, nor is there evidence, that it will collapse if it tolerates some." Not only will some tolerance not bring collapse; in certain situations some tolerance may be the only way to prevent collapse. Beyond that, tolerance may in some cases be demanded by an ethic of respect for human diversity, even though not all of the details of that ethic are or can be formally incorporated into the law.

The grounds for not prosecuting may also be grounds for leniency or at least moderation in

* "On Not Prosecuting Civil Disobedience," June 6, 1968, p. 14.

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sentencing if prosecution does occur. It may often seem more humane or more convenient or, I might add, more just, to give a light sentence. Where civil challenge is involved, a light sentence may be given as a sign of the judiciary's recognition that such test cases are essential if the vitality of the law is to be maintained. (There will probably be a reluctance, however, to recognize a long series of similar cases as test cases. I see no remedy for this problem except the eventual one provided by the fact that the courts may, under the impact of these cases, revise their reading of the law and thus be able to acquit.) No doubt there are bound to be flaws in this exercise of judicial discretion; a judge's moral and political biases are highly likely to influence his decision in matters of sentencing, even when he has been reasonably impartial in arriving at a verdict. I would say, for example, though I know that there are many who would disagree with me, that a nonviolent opponent of integration who commits civil disobedience or civil challenge should be granted the same measure of leniency that we would feel is due a nonviolent opponent of segregation who commits such acts. Not only does this seem to me the most fair thing to do, it also seems to me the most practical thing to do. Strongly-held convictions are rarely eradicated by punishment; in fact the harsher the punishment, the greater may be the reinforcement of the conviction. In addition, although harsh sentences may deter other potential offenders, one must always wonder whether the bitterness which may be provoked among the dissident group is worth the price, not to speak of the moral doubtfulness of using individuals as "examples" for the rest of the community.

THIS BRINGS ME to my final point. Perhaps some cases of civil challenge —and indirectly some cases of civil disobedience— could be and could have been avoided if there existed more possibilities of bringing constitutional issues before the higher courts without having first to break a law. Nonprosecution, I think, is *not* much help to the committed civil challenger. This individual is not looking for tolerance. He is looking for a hearing—which is something rather different. What he wants is to get a case before the courts and eventually before the Supreme Court, so that he may prove to the judiciary the rightness of his contentions. Nonprosecution, therefore, may result in the complete frustration of his purposes (though his purposes may not be frustrated if his action and others like it lead the authorities to prosecute at least one case of the type which their actions present).

That is why Ronald Dworkin's question: "What means can be found for allowing the greatest possible tolerance of conscientious dissent while minimizing its impact on policy?" will not ring well in the ears of a civil challenger. It is not tolerance that he seeks. What he seeks is precisely to have an "impact on policy" and he seeks a confrontation in the courts as a means to having that impact. Even where the Supreme Court has so far refused to grant *certiorari* in a case such as his, still he seeks prosecution since he believes that one must try and try and try again.*

Consequently, the only way to help the civil challenger is through leniency or moderation in sentencing or, as I have just suggested, through making it unnecessary for him to break the law in the first place. Earlier in this article, when discussing the case of the Boston Five, I questioned whether it should be necessary for an individual to break a law as a means of getting the courts to consider whether that law, and perhaps other governmental action indirectly related to that law, is or is not illegal. Yet in the past this has often been necessary. Traditionally the Court has taken the position that it would only decide constitutional issues when they were forced on it, so to speak. This position has been expressed in the "case and controversy" requirement (derived from Article III of the Constitution) which has been interpreted to require that "a plaintiff must be injured in a 'right' before he can challenge governmental action."† As a result the courts have often held that the individual did not have "standing" to sue the government or to ask the courts for a declaratory judgment or an injunction or in general to obtain judicial review of alleged unconstitutional governmental action by means of a kind of action which did not involve breaking the law. On many occasions the courts have held that the alleged wrongful governmental action had inflicted no injury on the plaintiff or that the injury was too small or not of the kind to merit judicial attention. For example, taxpayers have till recently been held to have no standing to challenge federal laws making appropriations because the interest of the individual taxpayer is "comparatively minute and indeterminable."**

Yet a taxpayers suit might in a number of instances have made the sort of challenges I have been describing unnecessary. For example, as I mentioned earlier, the taxpayers suit of Mr. Velvel raises some of the same issues that are raised by the draft challengers. But because this and other lawful modes of challenging governmental action have often been unavailable, concerned citizens have been led to take more extreme measures in order to create standing for

* One of the complications in the current "aid and abet" movement has been that while some of its adherents were asking to be prosecuted, others would be quite happy not to be prosecuted. Even if the government were trying to be obliging in these matters, it might have difficulty figuring out who was who.

† Fritz W. Scharpf, "Judicial Review and the Political Question: A Functional Analysis," *Yale Law Journal*, March 1966, p. 522, note 13.

** *Frothingham v. Mellon*, 262 U.S. 447, 487.

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themselves. By publicly breaking a law connected with or constituting the alleged governmental wrong, they created a very real potential injury (imprisonment and/or fine) and thereby were able to obtain a hearing.

One problem with this procedure, however, is that sometimes not even breaking a law can create standing to raise an issue.* For example, what law could have been broken by those who wanted the Court to consider the reapportionment question? Furthermore, even where there is a law to be broken, the penalties for breaking some laws are so great that few, if any, individuals would be inclined publicly to break them, no matter how doubtful their status might seem.† Besides, as I tried to indicate by my earlier questions, even when the penalty is not great, it is hard to see why the individual or group that wishes to raise a serious constitutional issue should have to risk incurring any penalty at all. Does this risk really contribute to having the challenge presented in the clearest and most forceful manner possible? Cannot an individual consider his stake in a public issue to be very great even when the action or practices he questions do not harm him in an immediate and obvious way and even when he will not suffer any immediate, tangible loss should the courts hold against him? Does a criminal trial really provide the best possible arena for the resolution of problems of constitutional interpretation?**

WHAT I AM suggesting is that it might be preferable if the need for civil challenge, as I have defined it, could be largely eliminated. This could be achieved if the rules on standing were relaxed and it became more easily possible for citizens to sue the government. In fact, in a recent decision the Supreme Court may have taken a step in this direction. In *Flast v. Cohen*, the Court held that contrary to its previous ruling in *Frothingham v. Mellon* (from which I quoted above), taxpayers *do* have standing in certain cases to challenge federal appropriations. As a result, the Court may allow a variety of suits which have till now been held inadmissible. Just how wide a door the Court has opened, though, will only be revealed by the future. The Court still has discretion not to review on other grounds, a discretion which no doubt is to be desired, but at least "lack of standing" will be less of an automatic bar to otherwise acceptable cases.

In the meantime, challenges to the draft and to the war will continue. Some of the questions raised by the draft challengers and their supporters have been posed in the past in taxpayers suits and there are presently taxpayers actions before the courts or in preparation which attempt to do the same thing. Until and unless one of these cases reaches the Supreme Court and is acted upon favorably there, only hard choices will face the individual who is confronted with an order to report for induction and who firmly believes that American actions in Vietnam are in violation of the Constitution and of international law. Even a ruling by the Court that the war does not violate fundamental norms will not be much help to him. The opponents of slavery and of segregation could not be convinced by the Court's initial judgments in these areas and it is not likely that the opponents of the war will be convinced either. If the Court rules against their contentions, it is likely that they will continue to resist and will use the Court's decision to underline the need to establish more impartial and more cosmopolitan institutions to weigh such matters.

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* It is because it is sometimes necessary to practice indirect, rather than direct, civil challenge and because of the fact that sometimes even that mode of challenging the government is not available that I cannot accept Mr. Justice Fortas's conclusion in his recently published booklet, "Concerning Dissent and Civil Disobedience," in which he states that the only laws which can justifiably be violated are those which are themselves "basically offensive to fundamental values of life or the Constitution" (p. 63). It seems to me that disruptive civil disobedience may be justifiable when the government itself is committing great legal wrongs and there is not a fundamentally offensive law which can be broken as a means of bringing the issue into the courts. In such cases either one must break a law which may not be extremely objectionable in itself, but is related to the wrong that is being protested or, if no such law exists, and perhaps even if it does, then disruptive civil disobedience may be justifiable as a means of awakening the conscience of the nation to the wrongs perpetrated by its government.

† Those who are in a position or who are inclined to take the risk of a serious penalty are not necessarily those best equipped to present a cogent, well-argued case before the courts. If the functional requirements for a correct constitutional decision are, as Scharpf suggests (*op. cit.*, p. 521), "a well developed case, litigated by the best possible parties," then the traditional rules of standing may operate to hinder the Court in its tasks.

** The purpose of the traditional rules of standing has been to assure that the parties to a dispute were truly adverse and that the question raised was not merely hypothetical. I wish to suggest that where the constitutionality of important governmental action is concerned, direct personal injury may not be the only or best guarantee of adverseness. In fact, the individual directly injured by alleged unconstitutional action may be happy to win on any sort of technicality, in other words, to win for himself, but not for others who have been similarly affected. Or he may be adverse to the government for reasons that are rather inconsequential. The party who is less directly injured may be more truly adverse on constitutional grounds. Furthermore, it does not require direct, immediate, or obviius injury for a question to be removed from the realm of the hypothetical.

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Paganism, Religion & Modernity

Milton Himmelfarb

JEWS—MOST JEWS—are modern, enlightened. Judaism isn't. By Judaism I mean, for instance, the synagogue on Yom Kippur. Even of those of us who were in the synagogue on Yom Kippur, probably few are all that different from the ones who stayed away. How many really believed what we heard, read, and recited then? We're too modern. And because we're modern, we're apt to be dubious about religion. Not for scientific or philosophical reasons—most of us aren't philosophers or scientists. You and I have neither the intellect nor the training to choose between Bertrand Russell and Father D'Arcy when they debate about God. What do you and I know about the ontological proof, let alone the history and present status of the argument over it? Of course we know that science is supposed to have disproved God, or religion; but then what do you or I say to an Orthodox Jewish physicist or biologist?

What you and I give weight to and feel confident about is the so-called anthropological argument, the argument from human nature and history. We judge religion by its human effects, and we don't like what we think it has done to men and women and to society. There are worse ways to judge.

What are those bad things that religion does? In antiquity Epicurus hated religion—the pagan religion he knew—for terrifying people and robbing them of peace of mind. The most complete extant statement of Epicureanism is the De Rerum Natura of the Roman Lucretius; and Professor Peter Gay, who admires the 18th-century Enlightenment, tells us that Lucretius was one of its two favorite classical authors. (The other was Cicero.) With ancient Epicureanism, the Enlightenment agrees that religion makes people unhappy and cruel. Lucretius lamented that *tantum religio potuit suadere malorum*, religion has been able to stir up so much evil; and the Enlightenment had its own confirming memories and experience. Additionally, the Enlightenment accused religion—Christianity, and the Judaism at its root—of despising reason, slandering human nature, and teaching a harmful sexual ethic.

Formally, at least, most of us haven't moved much beyond that bill of particulars. Yet for us the criticism has become less appropriate, less evidently a matter of good faith. What originated as criticism of religion can now be more validly directed against what is left of the Enlightenment in our late-20th-century hands. As with Epicurus's peace of mind argument, so with the later ones: the positions have been reversed. Only, after the reversals we still feel superior to religion.

For Epicurus, religion is bad because it robs us of peace of mind; if it gave us peace of mind, it would be good. For moderns, religion gives peace of mind, and therefore is childish. For moderns, religion stands in the way of a lucid maturity—our recognizing that the universe is indifferent or actually hostile to human needs, values, and yearnings. In Russell's "Free Man's Worship," the free man refuses to delude or beguile himself. Things are as they are, and they do not make for peace of mind. So much do we take all this for granted that the better class of religionists are embarrassed by Norman Vincent Peale and Joshua Loth Liebman—remember them?—and vie with the proudly despairing atheists in contempt for peace of mind.

Persecution, hate, division? To blame religion, now, is a feeble joke. We know what causes them: race, or nationality, or tribe, or caste, or class, or language, or ideology, or greed. Or simple bloody-mindedness.

The Enlightenment liked to say that Judaism invented intolerance, the mother of pious extirpations and burnings at the stake. At the same time, the Enlightenment greatly admired Rome, and the Latin authors more than the Greek. This wasn't only an inferior literary and intellectual taste. It was also political. The French Revolution had a cult of Roman republicanism.

The enlightened could blame the Book of Joshua for teaching the West to kill unbelievers: if not for those dreadful Jewish examples in Palestine three thousand years ago, Europe would have been spared later horrors. None chose to remember the republican Romans' coldly expedient genocide of their kin, the Samnites, carried out in the full light of history. None thought to ask why not one Roman writer had ever expressed doubt or regret about that genocide—or, for that matter, why no European humanist had

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ever expressed doubt or regret. (Only in our time do the Romans seem to have first been indicted for the Samnite genocide. And—ironically—only the Bible criticism that arose after the Enlightenment knows that Joshua isn't very historical.)

For the 18th-century enlightened, the jealous Jewish God had to be blameworthy and the Romans' latitudinarian paganism had to be praiseworthy. For us, to the evidence from ancient pagan history can be added all those fine modern things that have happened in our own century, after the decline of religion. That makes no difference. We continue to blame religion.

RELIGION IS THE enemy of reason—so the Enlightenment taught and so we still believe. Or rather, we take the trouble to believe it in the part of ourselves that still honors reason. In the greater part of ourselves, reason bores us. Two hundred years after the Enlightenment, its heirs celebrate their independence not from rationalism—for the Enlightenment was as much empiricist as rationalist—but from rationality itself. The professors tell us that the campus rebels are the sweetest and most intelligent students of all, and maybe the French and German professors say that about their campus rebels. Of those heirs of the Enlightenment the implicit slogan is "logic, shmogic." In the old days the enlightened couldn't find language contemptuous enough for the religious *sacrificium intellectus*. Now the campus is as fertile in myth as any conventionally preliterate culture.

The distinction between reason and unreason is called artificial, and the very concept of insanity a gimmick for imprisoning spontaneity or vision. To some in the New Left, Rabbi Adler's murderer was not deranged and sick, he is a political hero, fallen in the struggle against bourgeois hypocrisy. Liberalism is fascism, permissiveness is repression—so says an elite of the intelligent and educated in the West. (In Prague and Warsaw the intellectuals are not amused.) As a certain comedian used to say, "You can't fool me, I'm too ignorant." Compared with some of the elite, the ignorant seem positively addicted to reason. In the *Religious Situation, 1968*, Professor Huston Smith writes:

> . . . as the weeks moved on . . . the students' true interests surfaced. . . . I cannot recall the exact progression of topics, but it went something like this: Beginning with Asian philosophy, it moved on to meditation, then yoga, then Zen, then Tibet, then successively to the *Bardo Thodol*, tantra, the kundalini, the chakras, the *I Ching*, karati and aikido, the yang-yin macrobiotic (brown rice) diet, Gurdjieff, Maher Baba, astrology, astral bodies, auras, UFO's, Tarot cards, parapsychology, witchcraft, and magic. And, underlying everything, of course, the psychedelic drugs. Nor were the students dallying with these subjects. They were *on* the drugs; they were eating brown rice; they were meditating hours on end; they were making their decisions by *I Ching* divination, which one student designated the most important discovery of his life; they were constructing complicated electronic experiments to prove that their thoughts, via psychokinesis, could affect matter directly.
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> And they weren't plebeians. Intellectually they were aristocrats with the highest average math scores in the land, Ivy League verbal scores, and two-to-three years of saturation in MIT science.

I don't doubt it for a minute. Those weren't low-IQ types, in that Washington march last year, who performed their Tibetan rites of exorcism against the Pentagon. And those others in the march, who wouldn't be so gauche as to snicker, weren't low-IQ types either. If only I could forget how Paul Massing's *Rehearsal for Destruction* describes a group of the intellectual forebears of Nazism in the generation before World War I: emancipated, educated or semi-educated food faddists, naturists, spiritualists, lovers of conspiracy theories, *et hoc genus omne*. Massing's subjects were on the Right, while Professor Smith's (and Norman Mailer's) are on the Left. I know that should reassure me, but somehow it doesn't.

FOR TWO HUNDRED YEARS liberals and radicals have agreed that traditional Christianity maligns human nature; and insofar as traditional Judaism has been thought of at all, it too has been judged guilty of lese humanity. Voltaire said that Pascal had taught men to hate themselves, whereas they ought to learn to love themselves. A generation or so later, in Boston, one of the Eliots—they are still prominently associated with Unitarianism—said to a relative of hers, in sufficient explanation of her departure from the old, Calvinist ways, and above all the doctrine of total depravity: "Eliza, do you kneel down in church and call yourself a miserable sinner? Neither I nor any of my family will ever do that." Yet today Voltaire's disciples are respectful about Pascal—less the Pascal who honored God, of course, than the one who was unimpressed by man.

Actually, it isn't clear how many descendants Voltaire has left. Sade probably has more. To say so may distress the proper members of the Enlightenment family, but Sade *is* in the genealogy. If it is true that the new young's philosophy of life can be summarized in the question, "Why not?", then Sade is the obvious ancestor. The God-is-dead theologians may not know it, but before Nietzsche it was Sade who declared (repeatedly, Professor Robert E. Taylor informs me), "God is dead, and anything goes": *Dieu est mort,*

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et tout est permis. In the contemporary theater there is a serious play that takes Sade seriously. From Sade descend *Story of O* and Genet and others as well. Does their idea about humanity teach us to love ourselves? Even Calvinism is likelier to do that than our art is (or our science). Calvinism insists that a human being is a miserable sinner. At least this can be said for a miserable sinner, that he has a soul and was created in an image of some dignity.

In these days, if any thinker tells us good things about humanity, he's probably religious: Reinhold Niebuhr, say, who in the *Religious Situation* speaks of a "religious expression of trust in the meaning of human existence . . . recognizing and preserving the humanity of man." The irreligious will take this as further evidence of religion's childish shallowness—its unheroic evasion of the truth about man's total nullity.

ON NO POINT IS there greater agreement than that puritanism—or religion simply—teaches a wrong and harmful sexual ethic. Commonly the argument against puritanism is the same as against chastity, or continence. Professor Gay calls the Enlightenment modern paganism, and a good bit of that paganism is rebellion against puritanism's twisting of our sexual nature.

It is a strong argument: Not only does puritan continence make us suffer, needlessly; not only does it impoverish our lives when they could be rich and fulfilled; but, as if that weren't enough, it also transforms an energy that could have rejoiced us into something sour and cruel and rancorous. Frustrated in the wholesome satisfaction of our needs, misled into feeling guilty about our natural desires, we do everything we can to make others equally wretched, enviously harrying men and women wiser and healthier than we. We make our society a prison, mirroring in the large the individual prison which each of us has allowed himself to be locked up in, or has actually built around himself. Delighting in death rather than life, we make misery and war the perverse expressions of the instincts we deny and suppress. Against such wicked folly the only useful counsel can be, "Make love, not war."

If any teaching of the intellectuals has become truly popular, it is this. One common theme of vicarage detective stories used to be the churchgoing voyeur, and another was the sanctimonious murderer. (We take it for granted that Jack the Ripper, who murdered prostitutes, must have been a victim of the puritan disease—indeed, take it for granted that prostitution itself is only a symptom of the puritan disease.) And just a year or two ago I was able to read a new detective story, set in Dutch Calvinist country, in which—I have forgotten the details—either the murderess or the writer of the poison-pen letters that touch off murder is a respectable, Godfearing woman, another victim of the puritan disease.

Professor Gay's *Party of Humanity* tells us:

> Diderot['s] . . . *Supplément au Voyage de Bougainville,* written in 1772, . . . may be taken as typical. Diderot seeks to integrate sexual life into the life of the community as well as the life of the individual—love-making is delightful in itself and socially useful. Diderot's Tahitians are noble, but they are not savages. They are genuinely civilized men, and they are genuinely free. Tahitian society, as viewed by Bougainville and as reconstructed by Diderot, is a rational social order.
> "In our presence, without shame, in the center of a throng of innocent Tahitians who danced and played the flute [the young Tahitian girl] accepted the caresses of the young men. . . . The notion of crime and the fear of disease have come among us only with your [sc., the Christians'] coming. I don't know what this thing is that you call 'religion,' but I can only have a low opinion of it because it forbids you to partake of an innocent pleasure to which Nature, the sovereign mistress of us all, invites everybody." . . .
> Christianity makes people miserable and criminal: "People will no longer know what they ought and ought not to do. They will feel guilty when they are doing nothing wrong."

Who that is modern, when he hears "Tahiti," can fail to see in his mind's eye an edenic existence—sun, and breeze, and waves, and handsome, happy people whose life outside the skin is continuous with the life inside? To a modern what Diderot says is self-evident. I have read neither Bougainville's *Voyage* nor Diderot's *Supplément,* only what Professor Gay says about them. Whether it is a blessing or a curse I don't know, but I can't help being modern. Modernity is the station in history in which it has pleased God to set me. Tahiti can cast a spell on me, too.

Like the Maoris and Hawaiians, the Tahitians are Polynesians. I became a bit uneasy about this Bougainville-Diderot-Gay picture of genuinely free and civilized men, and their rational social order, and their life harmonious with reason and a benign nature, when I remembered that except for "aloha" and "luau," the only Polynesian words I knew were "taboo" and "mana"—not quite the sort of words usually associated with freedom and reason. So I went to the encyclopedia (where I discovered I knew another freedom-and-reason Polynesian word, "tattoo"):

> The Polynesians, because of their simple life and natural graces amid enchanting island surroundings, have long exercised a romantic appeal for the outside world. . . . The worship of the greater gods was in the hands of an organized priesthood, serving the ruling chiefs. Some

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> of these gods required human sacrifices. . . . The chiefs, as descendants of the gods, possessed *mana*. . . . All the land of the island or district under [a chief's] jurisdiction was his. Over the people he had absolute power. . . . In some of the islands, human flesh was included [in the diet] at times.

If the Tahitians were like the Maoris, they too had "slaves . . . mainly prisoners of war [who] performed much of the menial labor."

So Diderot was mistaken about the happy consequences of paganism. And though Bougainville may have misinformed him about the Polynesians, he knew about Rome. Knowing about Rome, could he really believe that paganism, or pagan sexuality, is delightful in itself and socially useful? The one thing no one can say about the Romans, at least after the Punic Wars, is that they subjected themselves to the rigors of anything resembling a Jewish or Christian ideal of chastity. It wasn't puritanism that made the Romans what they were.

Even today it isn't pleasant to read about the gladiators. Gladiatorial combat wasn't a product of Roman corruption or decadence. It was well-established long before the end of the republic, when Augustus could boast that he had entertained the people by providing them with ten thousand gladiators to fight in the amphitheaters: butchered to make a Roman holiday. The Emperor Commodus—the son of Marcus Aurelius no less—personally engaged in a thousand gladiatorial duels, and staged fights between cripples. (Other examples are even more sick-making.) Only when the Roman empire had been Christian for a hundred years could the gladiatorial shows be abolished.

As for Rome's treatment of slaves and her means of putting down the servile rebellions that that treatment incited—it doesn't bear thinking about.

TODAY THE vanguard no longer even pretends to believe in the benignity of pagan sex. It isn't against pagan sex. Not at all. It just isn't much for benignity. Thus "theater of cruelty" is not an insult by hostile outsiders. This past summer, in the New York *Times* of all places, Elenore Lester, who likes what is going on in the advanced theater, could write the following:

> Today's near-copulation is likely to give way, in the not-too-distant future, to the real thing, fulfilling a prediction Kenneth Tynan made about two years ago. And after actor-to-actor copulation, will it be actor-to-audience? . . . surely the next step must be programmed rape of the audience.
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> Of course, sexual relationships are not the only kind possible. . . . Violence is also interesting. . . . Polish drama theoretician Jan Kott observed that, because of all the shocks that are being given by the real world these days, there is a need for real shock in the theater. "We get that from sex and violence," he said. "It is possible to show lovemaking on the stage today, but," he added with a tinge of regret, "it is still impossible to murder." But of course, that was last year.

Someone should tell Mr. Kott about the Roman theater. In a recent Roman history he could read that "the Colosseum was the scene of theatrical performances in which the murders were not fictitious but real. Under Domitian the public was able to see plays in which one criminal plunged his right hand into a fire, and another prisoner was crucified. . . . In this period, too, Tertullian saw a performance of the *Death of Hercules*, in which the actor representing Hercules was actually burned to death as part of the show."

Only yesterday we thought of hippies as flower people. Their apparent gentleness could be taken to prove that if you satisfy the sexual instinct, you will be peaceful and mild. Today they, or their slightly younger brothers and sisters, aren't more frustrated sexually, they're only less gentle. Similarly with college students. Granted, we exaggerate the degree to which they are sexually freer than their parents were when *they* were in college; but if there is a difference between the class of '70 and the class of '40, surely it is in the direction of greater freedom for the class of '70. Yet that isn't a notably unviolent class, and we don't find that its more violent students are also the more repressed sexually. Their violence is of speech and thought and appetite as well as of action.

Soft-boiled modern pagans have for some time been turning to Eastern pagan spirituality—music, meditation, texts, and so on. How long is it, as these things go, since the British in India had forcefully to suppress suttee, the burning-alive of widows? And in the summer of 1968 the Associated Press received the following dispatch from India:

> Prime Minister Indira Gandhi has demanded an example be made of those responsible for the ritual slaying of a 12-year-old boy in Rajasthan state. A contractor is reported to have slashed the boy's neck to appease the gods at the laying of the foundation stone for an irrigation project. In a letter to the Chief Minister of the state, Mrs. Gandhi said that even those indirectly responsible for this "inhuman and barbarous act" should be punished.

The soft-boiled Western pagans may have only a partial understanding of Eastern paganism.

In our day, though, an intellectual or style-setting elite has to be hard-boiled. Its violence isn't comic book or television violence—that's for kids and the lower middle class—but something a little more thoroughgoing. There is the Sorbonne

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philosopher who is reported to have proclaimed, at the time of the French student uprising, that it wasn't enough to develop a philosophy of terror, it was necessary to replace philosophy by terror. There is the American literary review that helpfully ran a front-page diagram of a firebomb. (The Black Panthers' attraction for some whites is less clear-cut. The whites may only be personally kinky.) Like the Enlightenment ancestors, the vanguard despises puritanism for its sexual repressions; but while the ancestors condemned puritanism for encouraging cruelty, our vanguard should be condemning puritanism for repressing it.

At this stage of the evolution of modern paganism, where you get your kicks isn't important, as long as you get them. Both bed and Colosseum are groovy. If the Colosseum—whips and chains—is groovier for you, O. K. Do your own thing. In fact, if we could only stop being hypocritical long enough to admit it, maybe the Colosseum is groovier for everybody. Isn't death the ultimate kick? (Someone else's death, that is; but maybe your own, too.) Anyway, nature unfortunately limits the frequency and duration of orgasm. But fortunately, nature doesn't limit the duration or frequency of orgastic cruelty. You can torture someone for as long as you want. In hardly any time at all you can hurt or kill as many as you want.

If one doesn't want to say "pornographic books," for fear of using a censor's word, one says "sex-and-violence books." And, not or. Sade wrote a few books in that genre himself.

IT NEEDN'T BE said here that "puritanism" is one of those slippery words. Normally we could call D. H. Lawrence a pagan, not a puritan. Dr. Leavis seems to see Lawrence as a puritan—because he is serious not frivolous, radical not graceful, intelligent not clever. Or we think puritanism hated sex. But historically puritanism is Protestant, and Protestantism had little use for celibacy: the monk Luther married a nun. (Queen Elizabeth wasn't so Protestant that she could quite get used to a married Archbishop of Canterbury.)

Puritan religion isn't only Protestant. So far, to disagree with the conventionally progressive Jewish view, I have been exaggerating the puritanism of the Jewish tradition. That point having been made, it remains to add that of course Judaism isn't Calvinist—or, for that matter, Thomist or Augustinian. Calvin taught total depravity; and until recently—only a few hundred years ago—all the major Catholic and Protestant traditions agreed on the logically related doctrine of *paucitas salvandorum*. That is to say, the strong consensus of the Doctors of a religion that had come to replace Jewish law and vindictiveness by Christian freedom and love was that very few even of the faithful would be saved, the great mass being doomed to eternal punishment in hell. Judaism, so legal and vindictive, doesn't agree. I'm sure it wasn't Isaiah Berlin's intention to speak as a Jew when he denied historical inevitability, a modern secularist counterpart of predestination; but he expressed the central Jewish doctrine, or rather, a central Jewish feeling: often, Berlin said, the irresistible is only the unresisted. The Torah lesson of the Sabbath before Rosh Ha-shanah ends this way (Deuteronomy 30:19-20):

> I call heaven and earth to witness against you this day: I have put before you life and death, blessing and curse; therefore choose life, so that you may live, you and your progeny. Love the LORD your God, listen to His voice, and cleave to Him; for so you shall have life and length of days. . . .

Nothing predestined, inevitable, or irresistible about that.

So Judaism isn't Calvinist. But it is puritan, in that it likes chastity and doesn't like celibacy. In the historian Jacob Katz's study of the East European Jewish family as it was three hundred years ago, he has shown us Jewish law and thought concretely at work. The Rabbis may have been naive about other things, but they weren't naive about the sexual drive. They knew how strong it is. They didn't try to deny it or suppress it or divert it—they just tried to hallow it, in marriage. (Their term for marriage is *qiddushin*, "hallowing.") In the time and place Professor Katz examined, Jews married young. Nor were the rabbis Victorian, imagining that women—or good women—were sexless. Like any law, Jewish law deals with obligations and rights. East European Jews knew that Jewish law obliges a husband to give his wife sexual gratification, and entitles her to it.

Hume, and later Nietzsche, thought ill of Christianity for teaching men humility. Nietzsche was wrong in thinking that the source of that doctrine was Judaism. To be sure, man's humility is Jewish; but it is coupled, kept in permanent tension, with an equally Jewish belief in man's grandeur. In my part of the congregation, these last Days of Awe, the visiting rabbi preached a sermon based on the aphorism of a hasidic master: "Everyone should have two pockets. In the first he should keep a slip on which is written, 'I am but dust and ashes' [Genesis 27:18]. In the second he should keep a slip on which is written, 'For my sake was the world created' [Mishnah Sanhedrin 4:5]."

In that verse from Genesis, Abraham is abasing himself before the Lord, though the abasement is somewhat *pro forma*: he is questioning

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the Lord's justice in dooming Sodom. The Mishnah quotation comes toward the end of a long section about the warning that must be given to witnesses in a capital case: a man's life depends on what they say, together with the lives of all the descendants he could have:

> . . . one man alone was created in the world, to teach you that if any destroys a single soul, Scripture regards him as if he has destroyed a whole world; but if any preserves a single soul, Scripture regards him as if he has preserved a whole world . . . . one man alone was created [from whom we are all descended], so that none should say to another, "My ancestor was greater than yours," . . . and in order to proclaim the greatness of the Holy One, blessed is He. For a man stamps many coins with one seal and they are all alike; but the King of the kings of kings, the Holy One, blessed is He, has stamped every man with the seal of the first man, yet none is like another. Therefore each must say, "For my sake was the world created.". . .

THE MAJOR TORAH lesson on Yom Kippur is the 18th chapter of Leviticus. Some years ago, here, I suggested why it had been chosen for reading on Yom Kippur. Mostly it is about unchastity—incest, adultery, sodomy, and bestiality. Unchastity is forbidden not only as wrong in itself but also as an expression of paganism. Unchastity is the piety of paganism: the things that are "abominations" for Israel are the "statutes" and "abominable customs" that "they do in the land of Egypt, where you dwelt, and. . . in the land of Canaan, to which I am bringing you." An equally abominable custom is the sacrifice of children: "You shall not give any of your children to be offered up to Molech. . . ." Bloodshed is likewise the piety of paganism.

Now I see that I stopped just short of understanding that for the Rabbis this chapter must be a concentrated scriptural statement of the practical negative theology of Judaism. It is a negative theology, because in one rabbinical definition Judaism is that which is not pagan: "[Mordecai] is called 'the Jew' because he repudiated idolatry, since everyone who repudiates idolatry is called a Jew" [Megillah 13a]. On "My statutes and my ordinances, by doing which a man shall live: I am the LORD" (Leviticus 18:5), the Midrash comments: "R. Jeremiah said: Why may one say that even a gentile, if he fulfills all the Torah, is like a High Priest? Because Scripture says, 'by doing which a man shall live.' "

It is practical, because it is not a theologumenon, it is binding law, about life and death. "Having voted, they passed this law . . .: Concerning all the transgressions prohibited in the Torah, if a man is told, 'Transgress and do not be killed,' let him transgress and not be killed; except for idolatry, unchastity, and bloodshed" (Sanhedrin 74a). Since this is law—the most important law—normal legal reasoning applies. Is it legally permissible for a Jew, out of supererogatory piety or devotion, to allow himself to be killed rather than violate any other prohibition? Maimonides limits a Jew's right to allow himself to be killed in such circumstances: By insisting on martyrdom rather than making the Muslim profession of faith, a Jew would be acting unlawfully, since Islam is completely monotheistic and aniconic. In this Maimonides agreed with the Midrash: "R. Ishmael says: Why may one say that if a man is told privately, 'Worship idols and do not be killed,' he should worship and not be killed? Because the Torah says, 'by doing which a man shall live'—not 'by doing which he shall die.' Should he also obey a public order to worship idols? The Torah says: 'You shall not profane My holy name, that I may be hallowed in the midst of the people of Israel; I am the LORD who sanctify you' (Leviticus 22:32). If you hallow My name, I too will hallow My name in you." Hallowing the Name is *qiddush ha-Shem*; which is also the term for martyrdom.

Paganism / idolatry, unchastity / licentiousness, and murder/bloodshed are for Judaism the unholy triad. (Respectively, they are [1] *'avodah zarah*, or *'avodat elilim*, or *'avodat gillulim*, or *'avodat kokhavim umazzalot*; [2] *gilluy 'arayot*, narrowly incest, literally "uncovering of nakednesses," as in Leviticus 18; and [3] *shefikhut/ shefikhat damim*.) The three have an affinity for one another. In Genesis 6:13, "God said to Noah, 'I am determined to make an end to all flesh; for the earth is filled with violence [*hamas*; Jewish Publication Society, 1962: lawlessness]. . . .' " On this the Midrash says: "R. Levi says: *Hamas* is idolatry, *hamas* is unchastity, *hamas* is bloodshed. . . ." Yoma 9b gives a striking conglutination of the cardinal sins: "Why was the First Temple destroyed? Because of three things: the idolatry, unchastity, and bloodshed in it. . . ." Examples from rabbinical literature could be multiplied. Maimonides says, in the *Guide of the Perplexed*: ". . . transgression of the commandments is also called uncleanness [*tame'/timme'*]. This expression is used with regard to the mothers and roots of the commandments, namely [the prohibitions against] idolatry, unchastity, and bloodshed" (quoting Leviticus 20:3, Leviticus 18:24, and Numbers 35:34).

The Rabbis—founders of that in the Jewish tradition which is most distinctly and specifically Jewish, to this day—were not simply repeating what the Bible had told them, nor in their legislation were they carried away by some kind of

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exalted urge for martyrdom. They didn't need to read Ovid or Petronius or Tacitus or Juvenal to know how the pagans were about sex and about blood. They were contemporaries of Roman paganism, sensible men with eyes to see and ears to hear. Besides the law about martyrdom, they also enacted more prosaic laws, like this one: "Cattle may not be left in the inns of the [pagan] gentiles, since they are suspected of bestiality; nor may a woman remain alone with them, since they are suspected of unchastity; nor may a man remain alone with them, since they are suspected of shedding blood" (Mishnah 'Avodah Zarah 2:1).

For the Rabbis paganism was idolatry, and they really couldn't understand it. They knew, because the Bible told them, that in the olden times the Israelites had repeatedly backslid into idolatry, and they knew that the contemporary gentiles were idolators, but how people could take it seriously was a mystery to them. (Emil Fackenheim considers that problem, brought up to date, in his fine "Idolatry as a Modern Religious Possibility" in the *Religious Situation*.) It seemed reasonable to the Rabbis that paganism must be a pretext for something else: "R. Judah said, quoting Rav: Israel [in the days of the First Temple] knew very well that idolatry has no substance to it. They were idolators only to permit themselves public licentiousness" (Sanhedrin 63b).

WHAT ABOUT PLURALISM? I know I'm being anachronistic and reading a modern sensibility back into the Rabbis' outlook. They insisted on a total Jewish repudiation of paganism, honored gentiles who abandoned paganism, and longed for the day when the Lord will be King over all the earth; but sometimes I like to think that maybe they also had a quiet weakness for pluralism. I can't fault the Rabbis for being harsh to Esau and I'm glad my descent is from Jacob. But the price Jacob paid for his qualities was that he couldn't at the same time have Esau's qualities. Is there no room in God's world for Jacob and Esau, both? I want to think there is, and to think the Rabbis thought so, too.

Certain virtues—if that word may be used here—primarily aesthetic, go with paganism: Balinese temple dances, for instance, and Polynesian graces. When in the *'Alenu* I join the congregation in hoping for the time when the Lord has removed the idols from the earth and all flesh invokes His name, sometimes I become a little anxious. What will the world be like when everyone's a Jew? Then I calm myself. That isn't likely to happen right away. Right now, Bali and Tahiti are rather more immediately vulnerable to jet airliners than to Judaism.

For a pluralist, that's too bad. As with liberty and equality, so with the unity of mankind and pluralism: in each set the two members don't get on easily with each other, but the intellectual difficulty of holding on to both is nothing compared with the moral difficulty of giving up either.

I suppose the Rabbis could have justified a measure of pluralism by appealing to some such verse as Micah 5: 4, which—for varied, sometimes contradictory reasons—has been popular with the Jews of modernity: "For let all the peoples walk each in the name of its god, but we will walk in the name of the LORD our God for ever and ever." Not that Rabbis could have approved human sacrifice, then or now. For Jews and gentiles alike, the Rabbis wanted none of the practices of the bad old Israelite days, when, more or less like that Indian contractor in 1968, "Hiel the Bethelite [re]built Jericho. With Abiram his first-born he laid its foundations, and with his youngest son Segub he set up its gates" (I Kings 16: 34). But maybe the Rabbis weren't entirely unhappy that others were so foolish as to think paganism had some substance to it. Maybe they didn't object to pagans preserving unJewish virtues or graces in the world. That could be one meaning of the famous answer in 'Avodah Zarah (54b):

> Philosophers asked the elders in Rome, "If your God dislikes paganism, why does He not abolish it?" They answered, "If the pagans worshipped something the world has no need of, He would abolish it; but they worship the sun and the moon and the stars and the planets. Shall He destroy the world because of fools? The world goes its wonted way, but the fools who have behaved unworthily will be held to account."

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Pornography & The Courts

THE END OF OBSCENITY: THE TRIALS OF LADY CHATTERLEY, TROPIC OF CANCER, AND FANNY HILL. By CHARLES REMBAR. *Random House. 528 pp. $8.95.*

Reviewed by ALEXANDER M. BICKEL

PERMISSIVE DECISIONS by the Supreme Court in obscenity cases constituted one of the main issues in the struggle over confirmation of Associate Justice Abe Fortas as Chief Justice. So there is not an "end of obscenity" just yet; whether or not there ought to be remains a subject of debate in institutions that share the power of government with the Supreme Court and may yet, directly or indirectly, have the last word. Nor does Charles Rembar, author of *The End of Obscenity,* claim that the Supreme Court has necessarily loosed every kind of writing, let alone performance, that might earlier have been deemed obscene and restrained as such. He couldn't very well. On the very day on which he achieved the crowning success in the course of litigation that he lovingly and proudly describes in this book, the Supreme Court also found Ralph Ginzburg and one Edward Mishkin, two defendants not represented by Mr. Rembar, guilty of having published obscene materials, and affirmed stiff jail sentences against them. Mr. Rembar purports to understand the distinctions that the Court perceived between the wares of Ginzburg and Mishkin and his own clients' books, and he does not seem to disapprove of the Court's actions in the *Ginzburg* and *Mishkin* cases, even though they tended to dim the lustre of his own climactic triumph. Mr. Rembar claims to have achieved an end of obscenity in the sense merely that books and other printed matter—not theater, motion picture, or television performances—which treat openly and grossly of sex, but are not shockingly indecent by contemporary standards, and have some measure of social value, are now protected by the First Amendment against suppression.

IT MAY WELL seem to the reader that the shield against censorship that Mr. Rembar has gained lacks something of solidity, that it is, indeed, altogether an illusion, since the stuff it is made of is no stronger than the porous rubber of those words: "indecent," "shocking," "social," "value." Mr. Rembar will say that the cases he has won, and the decisions obtained in the past decade by other counsel, are the steel in the shield, the meaning of those words. *Lady Chatterley's Lover, Tropic of Cancer,* and *Fanny Hill* are not shockingly indecent and do have social value, the courts have held; such *oeuvres* as *Trailer Trollop, Wife-Swappers, Lustpool, Shame Agent, Pleasure Was My Business* may also be freely distributed, along with numberless girlie magazines and their homosexual equivalents, and even quite a bit of highly erotic film footage. Unquestionably the courts have been allowing material to circulate which a decade ago would have been subject to seizure. There has been a change. All the Senators who opposed Justice Fortas, in part because they held him responsible for the change, may be misguided, but they are not crazy.

Yet Mr. Rembar is overly sanguine when he credits himself with having won the predictable protection of a rule of law, and the reader who mistrusts all those words does so with good reason. There is no rule. The law of obscenity under the First Amendment is a shambles. All there is, despite Mr. Rembar's fluent and skillful formulations, is the subjective judgments of enough Justices to form a majority. To say this is not to disparage Mr. Rembar's achievement in vindicating the three books he defended. But the subjectivity of the "law" that produced Mr. Rembar's victories does mean that every so often the Justices will unexpectedly turn on someone, as they did on Ralph Ginzburg, *pour encourager les autres,* which is a rank injustice, and for that reason as costly to society, perhaps, as the suppression of *Story of O* or *Tropic of Cancer*; and it means that while the legal position of obscenity has evolved, the legal problem of obscenity remains unsolved.

There are those who believe—this is rather Mr. Rembar's view—that literature should be entirely free, that if some anti-social conduct is caused by books the price is well worth paying, that at any rate "modes of expression and modes of behavior" are only tenuously connected, if at all, but that something called hard-core pornography, which is sheer commercial pruriency of absolutely no redeeming social value and which is recognizable as such by judges, should alone be suppressed. This is well enough. Large numbers of people, however, do suspect a connection between obscenity, whatever the consistency of its core—say, sado-masochistic writing of some literary merit—and anti-social behavior. They cannot prove it, even though they are able to seize on such bits and pieces of evidence as the report that the perpetrators of the recent "Moors" atrocities in England read de Sade and were inspired by him.

But neither can the contrary be persuasively shown by argument or by empirical proof. People —not always the same people—are similarly disturbed about violence in comic strips and particularly in movies and on TV, fearing again that it leads to conduct. The most hilariously solemn explanation of how it is possible to share the fear that depictions of violence may induce violent behavior while at the same time discounting as irrational the anxiety that depictions of sexual activity may induce sexual activity is offered by Richard Gilman in the New York *Times Magazine* of September 8, 1968. Having seen

ALEXANDER M. BICKEL *is Chancellor Kent professor of law and legal history at Yale University. His article, "The Failure of the Warren Report," appeared in October 1966.*

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a violent act, says Mr. Gilman, a person can only work off the resultant aggressive urge by committing aggression. "But there is a way to work off sexual tension without injuring others: masturbation." A second-rate way, it must occur to somebody sometime, not fully satisfying, really!

MOREOVER, it isn't only because they suppose the run of mankind to learn from what they read and now and then to act on what they learn that many people think it necessary to suppress certain writings; it is also because they worry about—how shall one say—the tone of society. What may be uttered will be uttered, and it can become the fashion, part of the scene of which we and our children are, in turn, willy-nilly, a part. Private obscenity, privately uttered or shown, and aberrant private behavior, too, may be one thing, but printed material publicly circulated affects us all as it affects the style of life about us. It is no answer that we need not buy or read it and may even succeed in keeping it out of the hands of our children. In the end, although it may take a generation, no one can escape the consequences, and this is a concern not very different from concern with our physical environment—highways where there should be woods, cottages where there should be open seashore, traffic jams and glass boxes where there should be cities. Out of just this concern—aesthetic, if you will—with the style and tone of society we forbid certain kinds of otherwise harmless public and even private behavior—particularly sexual. To be sure, we also tolerate much that is deviant or eccentric, and no doubt should tolerate more than we do. We regard as tyrannical societies that tolerate much less than we. But the only point I seek to make for the moment is that mores, the style and tone of the community, concern the community as a whole, and are, therefore, sometimes regulated by law. Too much regulation, too rigidly and pervasively imposing majority tastes is wrong, and often, in any event, ineffective. But some is expected.

Mr. Rembar would say that conduct and writing should not be treated alike. Yet though there is a basis for the distinction in existing law, it is nonetheless an arbitrary one. For we regulate, as I have said, some conduct whose sole supposed impact on the community is the same as one of the supposed effects of obscene writing. Conduct of a certain sort and writing of a certain sort, then, are alike in that they are viewed as giving rise to the same danger. They are alike also in that we should protect them from interference by government—when we should—for precisely the same reason. The writing here in question is not political and can make no claim to protection as, in effect, an essential instrumentality of democratic government. It should be free, if at all, because, quite aside from politics, we wish to safeguard a measure of autonomy of personal taste, sensibility, and self-expression, and, as a by-product, hopefully enrich what we call our culture. This is the very consideration that causes us to allow some deviant conduct, which is also a carrier of a people's culture. It is a decisive consideration with respect to conduct only so long as an intense social concern does not outweigh it, and one has difficulty seeing why it should be any more heavily decisive with respect to the sort of writing we are discussing.

IN OUR SYSTEM, under the First Amendment and the due-process clauses of the Fifth and Fourteenth, it is often left to judges to strike a balance between a desirable end, such as personal autonomy, and apprehended dangers, such as individual anti-social behavior or a general deterioration of mores. But in the matter of deviant sexual conduct and the like, the judges have ordinarily let legislatures and other political institutions strike the balance because they have lacked a sufficiently objective standard on which to rest judicial judgment. They have discovered no such standard where writing rather than conduct is involved either, and yet they presume to tell the society how much obscenity it must live with. Decisions are left to the judges in the expectation that they will justify the results they reach by an appeal to some principle that

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has a reasonably objective existence, connects with relevant tradition, works a rational accommodation among conflicting needs, fears, and values, and is communicable from one judge to another and to the rest of us. Such are the minimal qualities of law. Simply falling back, in the search for legal principle, on the text of the First Amendment will not do, since the value of speech and writing, though high, has not been received in the law as an absolute, and does not require us to accept every harm and run every risk. If all the judges manage to do is substitute, as they have in the obscenity cases, their subjective reaction for that of legislators, prosecutors, or even police, then they are not making constitutional law and are not performing the function that entitles them to supremacy.

I do not argue that *Lady Chatterley's Lover*, or *Tropic of Cancer*, or *Fanny Hill;* or the unfortunate Ralph Ginzburg's *Eros, Liaison,* and *Housewife's Handbook of Selective Promiscuity*; or even *Trailer Trollop* and *Wife-Swappers,* ought to be suppressed. I do not argue for censorship. I would wish —I think I would wish—anyone to have the right to publish or show anything that anyone else may want to read or see, and we would take our chances. But I don't know where to find reasons convincing enough to be enshrined as constitutional law for compelling others, who may be in a majority, to wish as I do. I should hope a majority could be persuaded on prudential grounds that a lot of censorship is unwise, and ineffective to boot, and that a little goes a long way. But the constitutional problem of obscenity, the question whether and how judges are to decide what a community must tolerate and what it may censor is, I maintain, a baffling one, to which the solution escapes me, as it did the Supreme Court and also Mr. Rembar. There are things the judges can do around the edges of the problem. For example, as Mr. Justice Harlan has suggested, there is good reason for taking the federal government out of the censorship business, and leaving it to the states. (Mr. Rembar disapproves because, of course, he prefers a permissive federal rule binding on the states.) The federal government is apt to impose the standards of Dubuque on Greenwich Village, after all, whereas Dubuque can impose them only in Dubuque. Again, legislatures have been no more successful in defining obscenity intelligibly than the Supreme Court, and the term should, therefore, be deemed too vague to form part of the criminal law. However else obscenity might be controlled, it should not be punishable criminally. And the means of controlling it should be subject to additional procedural restrictions as well. But I do raise the question whether it is more justifiable for the judges to impose their subjective reactions as the ultimate, substantive law of obscenity than it would be for Mr. Rembar or me to impose ours, had we the power.

The question I raise doesn't trouble Mr. Rembar very much. He approaches it gingerly once or twice, and begs it with general references to the First Amendment, to constitutionalism and the established authority of the Supreme Court. But then his is not a book about the Supreme Court, or about the Constitution, or about the function of judicial review. It is a lively volume about some grand cases he won, and the pleasure he took in doing so. Lawyers talk a lot about their cases, although not often as well as Mr. Rembar. This is an extended monologue by an intelligent lawyer—literate, if given at times to displays of cute or fussy erudition, a bit full of himself, digressive but only occasionally misinformed and often witty—fun withal and instructive.

Eminent Englishmen

VICTORIAN MINDS. By GERTRUDE HIMMELFARB. *Knopf. 392 pp. $8.95.*

Reviewed by ROBERT A. NISBET

DOUBTLESS God could create a better interpreter of the English 19th century, but doubtless God hasn't. So might the homely

ROBERT A. NISBET's *article, "The Year 2000 and All That," appeared in our June issue.*

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eulogy be modified to apply to Gertrude Himmelfarb. She has made securely evident, in a distinguished succession of scholarly studies—on Darwin and the Darwinian revolution, on Lord Acton, and on other figures and events of the century—that no one exceeds, and few approach, the combination of firm discipline and sensitive awareness that she brings to her subjects. Her knowledge of the century is vast, but it rarely if ever swamps her judgment, which remains in this latest work as precise and discriminating as before.

Are there other centuries the re-evaluation of which has been as drastic during the past couple of decades as that of the 19th? I hardly think so. The gulf between the 19th century I read and heard about in college a generation ago and the 19th century we know today is a very wide one; wider, surely, than the analogous gulf for either the 18th or the 17th century (I am referring to the history of ideas only). The 19th century for long seemed so solid and square in its architecture: built on the rocks of family, church, Old Testament morality, progress, optimism, success.

By the criteria of our own century, the 19th could seem naïve, innocent, even shallow. Ours, we thought, was the century that had rediscovered evil, tragedy, moral conflict, social entropy, and alienation. Then historians and critics began to look more carefully at the Victorian rocks; to look between them, to turn them over, to look for new ones. And a substantial revolution in our understanding of modern thought was under way.

I am not referring alone to the kind of enterprise associated with the names of Lytton Strachey and his successors, though this, at its best, is assuredly important: the debunking, the exposing, the turning of the dark side to light. This line of work has the ultimate effect, it would seem, of diminishing the century. What I have in mind primarily is the rather different line of discovery that has made the century seem much larger, more profound, deeply fissured, and diversely rooted. And in this enterprise Gertrude Himmelfarb, working not only as a professional historian but as a mind sensitive to the intellectual nuances and tensions of her own century, holds a very high place indeed.

The Victorian age, Miss Himmelfarb writes,

> exhibited, and not at its periphery but at its very center, all the diversity, and much of the perversity, of which the human mind is capable. If it was an age of unbelief, it was as much an age of belief, and not only because there were believers as well as unbelievers but also because belief and unbelief were so intimately and ingeniously related. It was an age of severe manners and morals, and of considerable latitude in behavior. It has been described by one historian as an age of equipoise, by another as an age of reform, and by still another as an age of revolution; my own sense of it is best expressed in the phrase "conservative revolution."

This is excellent. I remember, however, reading a review of *Victorian Minds* in which Miss Himmelfarb's perceptions along this line were thought by the reviewer to emanate not from the figures of the century she deals with—Burke, Bentham, Mill, Buchan, *et. al.*—but from her own dual identity as Gertrude Himmelfarb and Mrs. Irving Kristol. Whether this was an effort to put new meaning into the popular phrase, *le style, c'est l'homme*, to change the gender of the hackneyed *cherchez la femme*, to achieve a new height of gallantry, or a new low in malice, I cannot be sure. It was in any event irrelevant. For the divisions, tensions, ambiguities, and conflicts Miss Himmelfarb finds in the century lie in the stars themselves—from Burke to Buchan—and not in their talented historian.

Miss Himmelfarb is very forthright in her judgments and can never be accused of walking around sacred cows, least of all those of secular modernity. This is a trait we would expect from the author of the brilliant and authoritative *Darwin and the Darwinian Revolution*. It is no small matter, as she must certainly have learned from some of the early responses to that book, to deal dispassionately with figures such as Darwin in an age that will gladly contemplate dissection to the bone of a Moses, Jesus, or St. Fran-

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An Introduction to Hasidic Culture and Oral Tradition in the New World

Jerome R. Mintz

In the 1940's and 1950's they came from the *shtetls* and cities of Eastern and Central Europe with their orthodox culture, their rich oral literature of wonder legends, parables, philosophical sayings, vivid historical accounts, their laws, rituals, and unique social structure. Unlike the usual immigrants, the hasidim in New York have maintained their old ways and values in the very heart of the swirling metropolis. Interweaving data from interviews and life histories, Mr. Mintz explores the cultural backgrounds of more than 370 of their tales – from Napoleonic times to the Arab-Israeli War of 1967. Witty, earthy, mystic, crowded with folk from the old times, they are included here. With sensitive photographs by the author. 480 pages. $12.50 at bookstores

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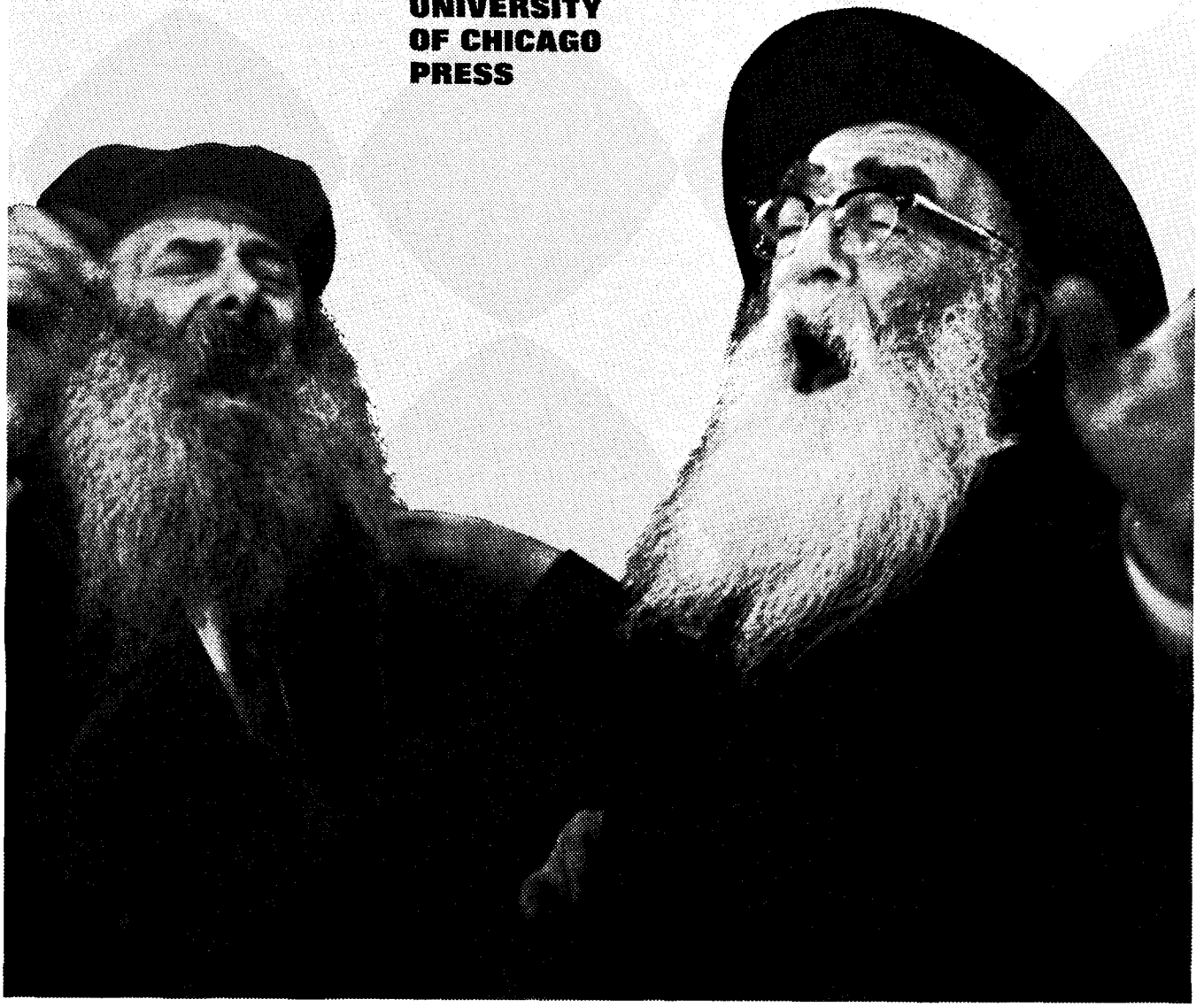

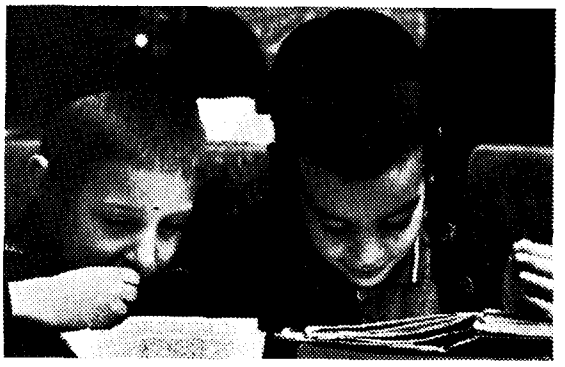

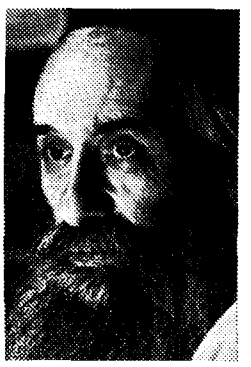

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cis of Assisi, but tends to recoil in outrage at the gentlest of analyses of any of its scientific saints. (I have discovered in thirty years of teaching the history of ideas that college students will accept *prima facie* anything I say except the statement that the theory of evolution, biological *and* social, was widely known and accepted among the literate in Europe and America long before publication of *The Origin of Species*. Students abandon other myths readily but not the myth of a civilized world in thralldom to the Book of Genesis until Darwin liberated it in 1859.)

I daresay there will be a few offended readers of *Victorian Minds*, though I predict they will have no more success in making charges stick than did those who cried out in wounded secular piety at Miss Himmelfarb's *Darwin*. The fascinating chapter on John Buchan is bound to raise hackles, set teeth on edge, in those circles where the pious *know* that nothing but base philistinism could uniformly have constituted a mind that believed in the inequality of races, that was anti-Semitic, that wrote admiringly of the clean, decent, and athletic life, that was devoted to God, king, and country, and, worst of all, prescribed cold baths and exercise for everyone. Philistine these qualities are, but philistine John Buchan was not, as Miss Himmelfarb makes incontestably plain in a portrait that for its intellectual boldness as well as its artistic skill ranks among the two or three best in her book.

I am not convinced that there is in fact the sharpness of contrast between the two Edmund Burkes—Burke the hero-politician and Burke the politician-philosopher—that the author leaves us to infer from her manner of presentation at the beginning of the book. If I can myself fuse them by reference to ends and contexts, surely Miss Himmelfarb—whose distinction as a biographer and historian comes emphatically from her awareness of ends and contexts—could have done the same. Why, then, did she leave the two portraits, of Burke the liberal and Burke the conservative, unresolved, separate? I suspect that the historian-as-artist took command. What better dramaturgy in introducing her work, the very essence of which is its concern with contrast, paradox, and antithesis in the century at large, than by the device of the two Burkes standing, as it were, on opposite sides of the proscenium?

Contrasts assuredly abound, and it would be difficult to improve upon Miss Himmelfarb's limning of them. We see them in one and the same man—Malthus, for example: the Malthus of the first edition of the essay on population who, approaching population in the cherished fashion of 18th-century "conjectural" history, could see only natural, geometric, increase and inevitable calamity once the restraints of subsistence poverty were loosed; and the Malthus of the second edition whose significance, as the author proves skillfully, goes well beyond the familiar "moral check" into matters the full significance of which has only recently been re-learned by students of population. There are the two John Stuart Mills, the first the son of his father, steeped in philosophic radicalism and secular dogma, the second, no less creative and vital, in process of abandoning the steely pieties of a Benthamite upbringing and becoming, if not actually religious, a mind far more receptive to the emotional and spiritual dimensions of existence. Miss Himmelfarb's relating of each of the "two Mills" to the philosophic works involved is subtle and convincing.

Contrast could reside dramatically in a single family. There were the Newman brothers—Francis, agnostic of purest ray, secular to his finger tips, and John Henry, grammarian of faith and doctrine, devout believer, and convert to Roman Catholicism, the grounds of which conversions are set forth not only in his *Apologia* but also, and in the terms of strict 19th-century developmentalism, in his great essay on Christian doctrine. What Miss Himmelfarb demonstrates, with rare insight, is that the bond between the two brothers, a bond indeed that, as she makes evident throughout the book, extended into many corners of the century, was the bond of angst. To escape what Francis Newman called "the desolating negations which are abroad," the one turned to a strict and uncompromising rationalism, to a virtue made ironclad by its commitment to pure reason, the other to Rome.

Miss Himmelfarb writes:

> One contemporary said of John Newman: "I believe him to be at bottom far more skeptical than his brother, Francis; and the extravagant credulity with which he accepts the wildest Popish legends is, as it appears to me, only another side of his bottomless unbelief." The remark may be taken as a commentary not only on the Newman brothers but on all extravagances of belief and unbelief—in our time as in theirs.

There was the incomparable Jeremy Bentham. No review of *Victorian Minds* I have chanced to see has mentioned her searching study of Benthamite belief and principle, though it may well be the best essay on Bentham since John Stuart Mill's classic in the light it sheds on the intellectual recesses of this brilliant, if odious, exemplar of pure reason in the service of mankind. Miss Himmelfarb's point of departure—and ostensible subject throughout the essay—is Bentham's famous Panopticon proposal for a prison, on which he spent twenty years of futile effort trying to interest the government and another twenty in recriminations against those who had failed to see its rationalist beauties ("the unlovely issue of marriage between reason and inhumanity," someone was to call the Panopticon principle later, a principle that Bentham and his disciples wished to see extended to workhouses, schools, factories, and other areas). But such is the skill of the inquiry and the feeling for all that is essential in Bentham that the essay proves to be a study not merely of the Panopticon principle but of the central tissues of Benthamite thought. Bentham needs to be better known by our age, for he is, I believe, the true father of the principle of efficient, ordered, and sanitary disposal of human problems, the supreme expression of which had to await Dachau in our century. Bentham loathed emotion, custom, diversity, and human beings. He adored reason, principle, uniformity, and mankind. What a splinter party he could today lead!

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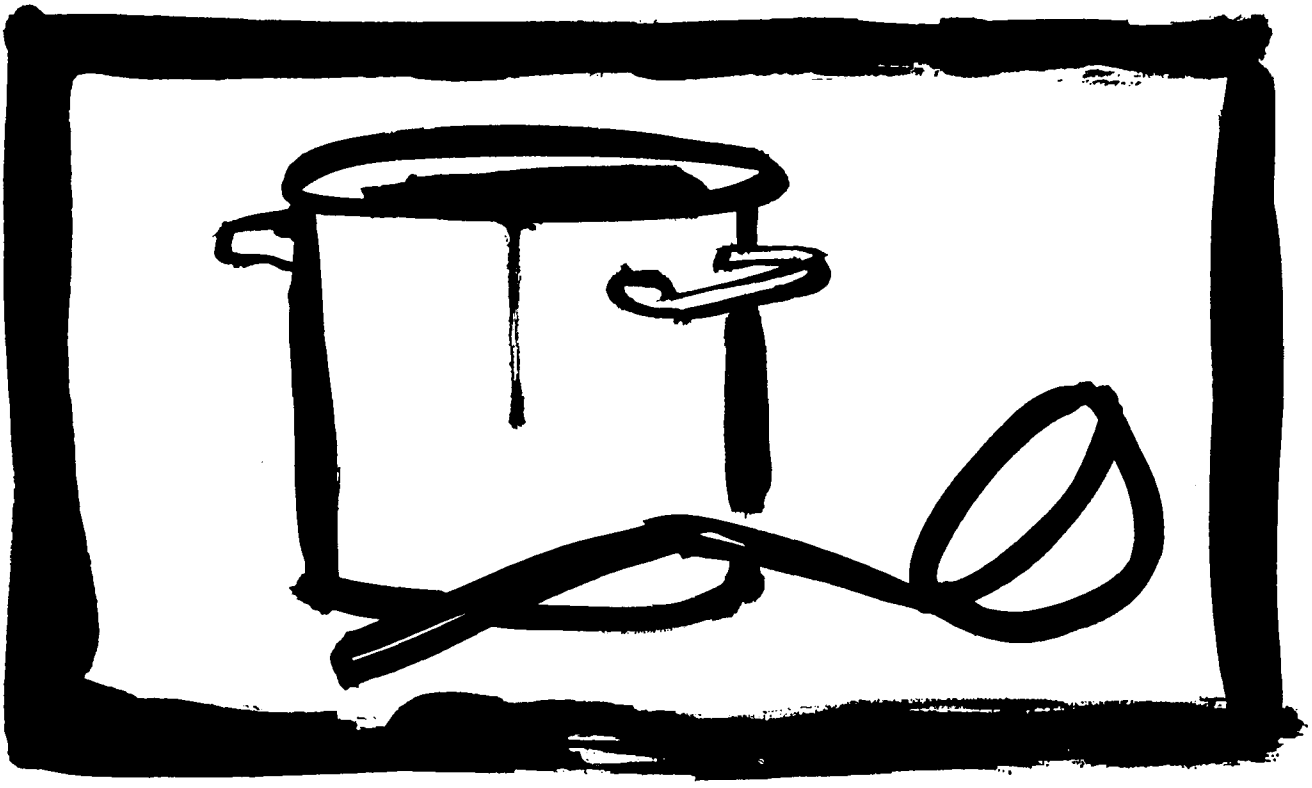

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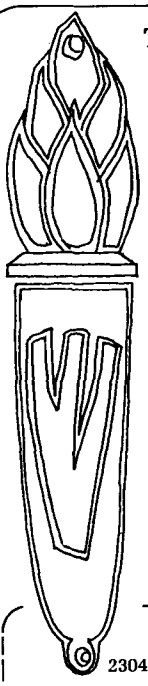

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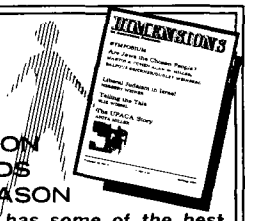

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The spirit of one age, Miss Himmelfarb wisely cautions us, is rarely the spirit of another. True, and all too easily forgotten by those who enjoy history rather than study it. Still, as the greatest of historians, Thucydides, tells us, it is important "to see the truth of what both *has* happened, and *will* hereafter happen again, according to human nature." And in this enterprise, one historical portrait, done with the kind of discipline and imagination we find revealed over and over in *Victorian Minds*, is worth ten thousand sociological words. The wonderful thing about Miss Himmelfarb's book is that it succeeds in being an exemplary study of the 19th century and a superb introduction to the 20th.

Jews & Greeks

FOUR STRANGE BOOKS OF THE BIBLE: JONAH, DANIEL, KOHELETH, ESTHER. By ELIAS BICKERMAN. *Schocken. 240 pp. $7.50.*

Reviewed by DAVID DAICHES

"AS A CLASSICAL scholar," writes Dr. Bickerman in his Preface, "the author is interested in the books of the Bible which were written in the age of Greek intellectual dominance. In the present work he tries to understand Jonah, Daniel, Koheleth [Ecclesiastes], and Esther as witnesses to the mentality of men of that period in the ancient Near East." To refer the books of the Bible to the conditions of their origin is a more complicated and in a sense a more dangerous task than to do the same thing for, say, Homer, because the biblical books have for over two thousand years been the subject of deeply committed interpretation by Jewish and Christian religious thinkers of varying views. It is one of the merits of Dr. Bickerman's book that he pays attention to these later interpretations, not only to dismiss them or to be witty at their expense (though he some-

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DAVID DAICHES *is Dean of the School of English and American Studies at the University of Sussex.* Literary Essays, *a collection of his recent work, was published recently by the University of Chicago Press.*

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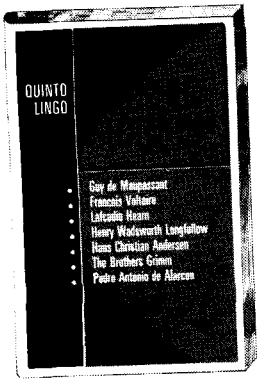

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times does both these things), but also to illuminate changes of viewpoint and to show how different historical circumstances produce different ways of reading.

The four books which Dr. Bickerman discusses are indeed "strange," but each is strange in its own way and in spite of roughly parallel dates of composition (or at least of final recension) and of some common social references, they have little if anything in common thematically. We all know about Jonah and the whale, Daniel in the lions' den, the Preacher's "Vanity of Vanities," and how Queen Esther, under Mordecai's tutelage, saved her people from the wicked Haman. But what do we think these books *mean*? If, as modern scholars generally agree, three of these four books have an earlier history before they are cast in the form in which we find them in the Bible, the question of meaning is at least threefold. What did they originally mean, what did they mean to those who cast them into their biblical form, and what have they meant to later readers (and this last meaning, covering varieties of both Jewish and Christian interpretation, is of course multiple)? "A humanist interpretation of the story of Jonah, judging it according to man's needs and mind, is fallacious." "When we read the revelations of Daniel now, we must realize that to their first hearers during the years of persecution the whole apparatus of the visions, beasts, angels, and Daniel's swoons was of secondary importance. What they asked was: 'Watchman, what of the night?' . . . To the generations that followed, who no longer cared about the horrors of Epiphanes's persecution, Daniel was the prophet who made sense of history." "The rabbis misunderstood Ecclesiastes, and its Greek translator did not understand it either." "The commentators misunderstood Mordecai's behavior." Dr. Bickerman continually emphasizes how generations are forced by historical circumstances to read these books differently. But his main purpose is to explain how they arose and what they meant to their producers and first readers.

WHAT IS THE Book of Jonah about? Here is the summary of its plot as presented by S. R. Driver in his *Introduction to the Literature of the Old Testament*, that classic of late 19th-century biblical scholarship:

> Jonah, commissioned to preach at Nineveh God's judgment against the great city, seeks to avoid the necessity of obeying the command, fearing that God might in the end be moved to have mercy on the Ninevites, so that his predictions of judgment would be frustrated. Accordingly he takes ship at Joppa, with the view of escaping to Tartessus in Spain. A violent storm overtakes the ship; the sailors, deeming that one of the those on board is the cause of it, cast lots to discover who it is; the lot falls upon Jonah, who consents to be cast into the sea. Thereupon the sea becomes calm. Jonah is swallowed by a great fish, which, after three days, casts him forth, uninjured, upon the land. Again the prophet

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receives the commission to preach at Nineveh. This time he proceeds thither; but at his preaching the Ninevites repent, and God rescinds the decree which he had passed against them. Displeased at the seeming failure of his mission, Jonah sits down outside the city, and asks to be allowed to die; but a gourd quickly springing up and sheltering him from the sun, and as quickly dying and leaving him exposed to its rays, by exciting his sympathy, is made the means of justifying in his eyes God's merciful change of purpose with respect to Nineveh.

Quoting this summary in his *Bible for Home Reading* (1899), the great Anglo-Jewish biblical scholar C. G. Montefiore went on to agree with Driver that the main object of the book was "to teach, in opposition to the narrow, exclusive view, which was too apt to be popular with the Jews, that God's purposes of grace are not limited to Israel alone, but that they are open to the heathen as well, if only they abandon their sinful courses, and turn to him in true penitence." Montefiore, the founder of Liberal Judaism in England, claimed Jonah as a prime document in his theory of "progressive revelation": bit by bit Judaism, in this view, got more purely ethical and more universal. "Sooner or later," wrote Montefiore, "the idea of a single and equal humanity (though with branches differently endowed and called to different missions) was bound to follow from the idea of the one good God. There might be difficulties in the way; human prejudices and adverse circumstances might hinder it for many ages; persecution and violence might cut off its early shoots and cause a recrudescence of narrow inconsistencies; but sooner or later this doctrine of the brotherhood of man, as rooted in the idea of God, was bound to become, as it is now in fact, an integral dogma of our faith." It is for this reason, Montefiore concludes, "that I call the Book of Jonah the triumph of Judaism, for this necessary complement to the doctrine of the one good God was more difficult for the Jews to preach and to realize than the very doctrine on which it depends."

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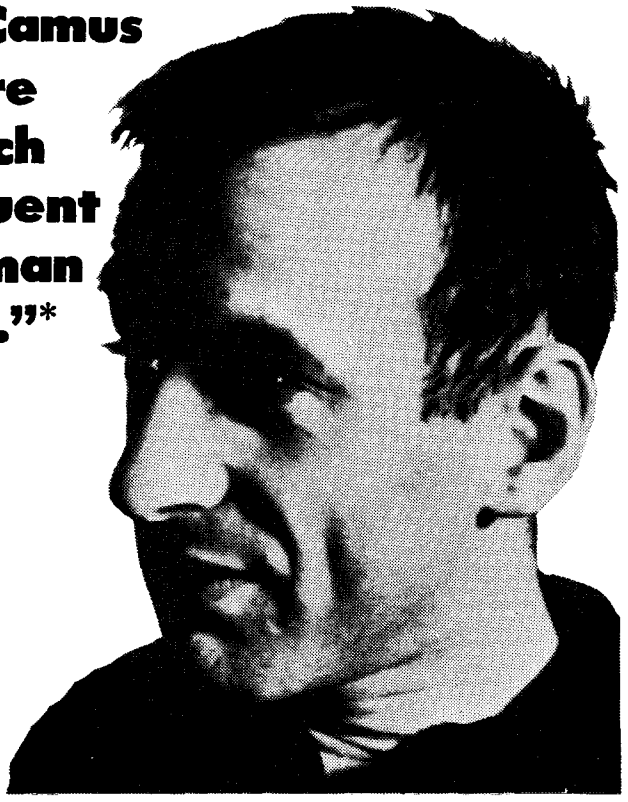

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**The New York Times Book Review*

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"Biased exegetes," observes Dr. Bickerman, "however learned, are likely to misunderstand the book they seek to explain." Montefiore's view is curiously like those 19th-century German views, quoted by Bickerman, which see Jonah as representing Jewish exclusiveness. For these German critics, with their anti-Semitic predilections, "Jonah exemplified the Jewish fanaticism which begrudged God's mercy to the Gentiles." But the real puzzle of the book is Jonah's initial refusal to obey God's command to prophesy to the people of Nineveh. "The fate of the Ninevites exemplified for the rabbis the conditional nature of decrees of doom," Bickerman observes. The evil decree can always be averted (as the Yom Kippur service tells us) by penitence, prayer, and charity. Why, then, asks Tanchum ben Joseph of Jerusalem, did Jonah flee and why was he made so angry by the penitence of the Ninevites and God's consequent remission of their punishment? "The answer (which a Jew of the 13th century could not conceive) is that Jonah refused to accept the perspective of Jeremiah and Ezekiel, in which the prophet is no longer God's herald, but a watchman who blows a horn to warn his people of coming danger." But the view that repentance can remove all punishment from the evildoer has its dangers. "Origen taught that repentance brings full pardon. For the function of sin is to teach humility . . . . In his commentary on Jonah, Jerome attacks this teaching of Origen which, if accepted, would destroy the fear of God . . . . And Jerome asks indignantly whether, in the end, there would be no difference between the Virgin Mary and a streetwalker, between Gabriel and the Devil, between martyrs and their torturers?" The Book of Jonah, therefore, Bickerman argues, has nothing to do with the relation between Israel and the Gentiles. "The morality play of Jonah has a cast of three characters: God, the prophet, and the Ninevites. . . . The opposition between Israel and the Gentiles is introduced by commentators who find more than is really there."

What *is* there, then? "Without trying to read between the lines, we may understand the prophet Jonah's protest against an idea that was popular in post-exilic Jerusalem that penitence reinstates the sinner in divine favor." So the Book of Jonah is about repentance, not about universality versus exclusiveness. But after all, is not this also the traditional Jewish view? Why else is Jonah read on Yom Kippur? Yet Bickerman concludes by warning us against humanistic rationalization of the story. "The story of Jonah teaches us that God is merciful, but He is merciful because He is Creator. As Kimchi, quoting Isaiah (43:7), puts it, God created men for His glory and He forgives them for the sake of His glory." He might have added that Kimchi in making this point was trying to explain how God came to interpret Jonah's anger at the destruction of the gourd (which deprived him of shade) as pity for the gourd. "Thou hast pity on the gourd . . . and should not I have pity on Nineveh . . .?" Kimchi said that just as Jonah had pity on the gourd because of his own distress, so God had pity on Nineveh because of His own glory, for His creatures are His glory. This may seem a bit scholastic to us, but it does not seem to me incompatible with the "humanistic interpretation" that as *all* men (not only Israel) are part of God's glory, so God welcomes the repentance and good behavior of all alike.

THE BOOK OF DANIEL is in two parts. The first is a collection of narratives about Daniel showing the hero as "both righteous man and wizard." The name of Daniel as a traditional soothsayer attracted other stories of forewarning, and gradually the Daniel stories as we have them took shape. Chapter 4, for example, "has preserved a Babylonian propaganda tale against Nabonidus, composed sometime before 549 or, perhaps, in 521." Each of the stories in Daniel is exemplary, and served a contemporary need. Babylonian themes are taken over by a Jewish writer and not always fully understood. But they are used for clearly defined purposes. "Daniel 6 is essentially a variation on a common theme of oriental folk tales: a virtuous minister is falsely accused and his innocence is proved. . . . Writing for Jewish readers, the author of Daniel 6 wanted to introduce something touching them directly in the Oriental court story. In the same manner modern novels about the first Christians cannot avoid picturing the hero as the martyr of his faith." Some of the themes depend directly on the historical circumstances under which the stories were written. "The conflict between the monotheistic Jew and the alien worshipper could arise only when a Jew became an officer of a foreign ruler"—as there were Jewish officers of Persian and Macedonian kings. The evidence seems to show that the biblical collection of Daniel stories was made in the second half of the 3rd or in the beginning of the 2nd century B.C.E. "The success of this book renewed the fame of the ancient seer. Its popularity induced the first author (or authors) of Daniel's revelations to choose this pseudonym when he (or they) endeavored to revivify the hopes of God-fearing Jews under the persecution of Antiochus Epiphanes." So the dreams and visions of the second part of the Book of Daniel, which have caused so much excited and misguided comment in many centuries of interpretation, are not prophecies of the remote future but tracts for the times. And the times can be dated quite specifically—166 B.C.E., when the Jews of Judea and Jerusalem persecuted by Antiochus Epiphanes were in dire need of comfort and encouragement. This was given them by veiled prophecies which began with events in the past (for Daniel was supposed to have lived much earlier and to have been prophesying many things that were known to have occurred) and gained credence for the comforting prophecies of the future by the accuracy of the past predictions. Personally, I find the visions of Daniel desperately boring; the stories of the first half, however, have the universal appeal of moral folk tales.

THE RELATION of *Koheleth* to its social and economic background involves Wisdom literature as a whole, but in fact Dr. Bickerman

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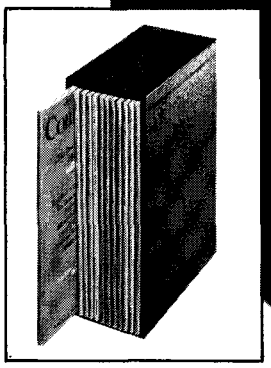

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keeps his perspective fairly limited, which enables him to be very specific in identifying Koheleth as "a sage who in an age of investment teaches not dissipation, but the enjoyment of wealth." This is an upper-class literature, with the tired sophistication of "the man who has everything," and its curious and impressive mixture of hedonism and nihilism, self-indulgence and despair, so demonstrably related to its time and place, has both attracted and puzzled the critics. It "has no known antecedents or spiritual posterity in Jewish thought." The rabbis are divided in their interpretations. For Dr. Bickerman, "Ecclesiastes could have been written only by a devout Jew who had discovered that there was no Providence, and that he was alone in a world foreign to him." "Koheleth is a Job who failed the test." Koheleth was speaking to "the arrogant grandees and adventurous capitalists" of his day. The seat of one of them, twelve miles east of the Jordan, has been partly preserved. "This seignoral residence reminds us of Koheleth. . . . Koheleth also built houses for himself, made gardens and orchards and pools of water." He is a kind of Sage of Sunset Boulevard.

THE BOOK OF ESTHER is in many ways the most fascinating of the four. Palpably unhistorical, it is yet, as Dr. Bickerman demonstrates, packed full with details of Persian court life that give a curious Arabian Nights atmosphere to the story. There are in fact two stories, a Mordecai story and an Esther story. The former "is taken from Oriental court life and from the Oriental novel. It is the struggle between the vizir who is established in royal favor and a new dashing courtier, a man from nowhere who by his cleverness and by chance outwits the vizir and in turn becomes the favorite of the king." The theme can be traced back at least to the 7th century B.C.E. Mordecai's supplanting of Haman is thus "a typical tale of palace intrigue that could as well find a place in the Persian histories of Herodotus and Ctesias, or in the Arabian Nights. The only Jewish element of the tale is that, according to the author, Mordecai

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is a Jew." But the name is Babylonian (Mar-duk-a, "worshipper of Marduk").

The second element, the story of Esther, is more interesting. It, too, is a common theme in Oriental stories—the story of the queen who brings about the downfall of the vizir. It is complicated by the story of Vashti, which brings some remarkably vivid touches into the narrative. The king, drinking with his nobles at the feast, asks for his wife Vashti to be brought to him, so that he can show her off. As the rabbis knew, his idea was (for he was in his cups) to demonstrate her beauty by exhibiting her naked (as Candaules exhibited his wife to Gyges in the story told by Herodotus). Vashti very understandably refused the king's summons, and so the way was open for Esther to supplant her. "Having heard two parallel tales about a Jewish courtier and a Jewish queen who struggled with and overthrew the evil minister of their sovereign, the author of the Book of Esther thought that the stories represented two complementary versions of the same events and accordingly combined them." Dr. Bickerman's disentangling of the different elements of the Book of Esther and his "placing" of incidents and characters in the light of the traditions that were employed by the writer are fascinating. The relations between Haman and Mordecai, for example, followed the law of vendetta. Haman was a descendant of Agag, king of the Amalekites, the man whom Saul spared and who was eventually slain on Samuel's insistence. It is an old conflict, between the Israelite and the Amalekite. But it is fought out according to Persian practice of the 2nd century B.C.E. "A Jew from Susa, writing probably in the 2nd century B.C.E., combined the two popular stories and used them to explain the feast of Susa and its countryside." More than any of the four books discussed, Esther requires to be seen in its historical context if it is not to be misunderstood. Montefiore saw the book as full of "a spirit of cruelty and of revenge" and went so far as to recommend the discontinuance of the observance of Purim "in lands of liberty." This was

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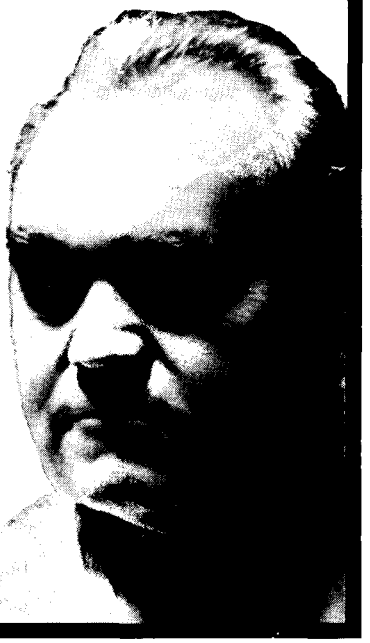

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the 19th-century German view, a view which, as Bickerman says, was taken over by later British and American scholars. But this book, combining two stories set in the Persian Empire and retold in the Hellenistic Age, is not a tale of revenge, but a tale of court intrigue, divine deliverance (even though God is not mentioned in it), and the frustration of evil. It is also a romance, with a beautiful heroine and her royal lover, "just like Greek love novels, and like them containing no unseemly word." Perhaps this is the best way to read it.

Dr. Bickerman's style is pithy and even staccato. He does not elaborate his points or linger over his conclusions. There is a wealth of scholarship distilled in his dry observations. To get the most out of these learned observations one should reread each of the books dealt with before reading the chapter on them. The illumination will then be quite remarkable.

Locating Marx

THE SOCIAL AND POLITICAL THOUGHT OF KARL MARX. By SHLOMO AVINERI. *Cambridge University Press. 269 pp. $8.50.*

Reviewed by LOYD D. EASTON

TOWARD the end of his life Marx exclaimed, "I am not a Marxist," to underline the difference between his own views and those of his son-in-law. Since that time, beginning with his collaborator, Friedrich Engels, there has been a massive, growing literature seeking to delineate the differences between Marx's own views—as expressed in what he actually said or wrote—and the interpretations placed on those views by his numerous followers of various wings and hyphenations. This literature has burgeoned in the last three decades with the availability since 1927 of Marx's early writings, which form the background to *The Communist Manifesto* and *Capital*. One of the aims of *The Social and Political Thought of Karl Marx* by Shlomo Avineri, who teaches political theory at the Hebrew University in Jerusalem, is to close the gap between the lively, general interest in Marx and "a real acquaintance with his writings and his theory." Referring to Plekhanov, Lenin, and Marx's early writings, Avineri well observes that "much of what traditionally passes for Marxism is directly contradicted by Marx's own writings."

Avineri's careful pursuit of a "real acquaintance" with Marx's writings and theory leads him to the "Critique of Hegel's *Philosophy of Law*," Marx's first systematic reckoning with Hegel dating from the summer of 1843. In that critique Avineri finds "all the main achievements, as well as dilemmas, of Marx's later thought." The presentation of this finding in Avineri's first main chapter fixes the themes and direction of his subsequent chapters; it is, moreover, the particular point of originality and uniqueness of the whole book. While there have been numerous analyses of the "Economic and Philosophic Manuscripts" of 1844—particularly the concept of "alienation"—and some essays or chapters on the theory of the state and democracy in the "Critique" of 1843, none of them is so detailed and close as Avineri's in showing how Marx's distinctive view of the state, civil society, property, labor, and classes grew out of an internal criticism of Hegel's political philosophy, the logic of which, as Marx saw it, led consistently to democracy rather than to constitutional monarchy. This involvement with Hegel necessarily makes *The Social and Political Thought of Karl Marx* hard reading, but Avineri's presentation is generally as clear, straightforward, and lively as his complex subject allows.

IN GOING to the "Critique" of 1843 to find Marx's first formulation of his main themes, Avineri follows Marx's own indication of his grounding in Hegel. Marx noted in the preface to the *Critique of Political Economy* of 1859, the classical statement of his "leading thread," that in order to resolve his doubts about the relation of socialism to economics, he first undertook a critical revision of Hegel's philosophy of law. Yet in spite of this explicit reference, the "Critique" of 1843 has been generally neglected until now—probably because of its incompleteness and its extensive quotation of Hegel's dense paragraphs—and only recently have its major sections been translated into English. Marx's reference to it in 1859 is an important part of Avineri's evidence that there is no sharp cleavage between the thought of the "young" and the "old" Marx, but rather continuity, with shifts of interest and emphasis. In fact, Avineri could have strengthened his case for continuity by a closer analysis of some of Marx's writings prior to 1843 in the *Rheinische Zeitung*, where Marx bent Hegel's principles toward liberal democracy. In any case, *The Social and Political Thought of Karl Marx* should definitively put an end to the claim that Marx's relation to Hegel was adventitious, a "flirting" with Hegelian terminology.

A CENTRAL THEME of the entire book is Marx's adherence to democracy, a position he arrived at in 1843 through an internal criticism of Hegel's view of the state. Hegel saw the state as a genuine and full community, not merely the apparatus of government but a synthesis that achieved the developing wholeness taking place in history and social life. Marx showed how, at a number of points, Hegel's constitutional monarchy failed to meet this requirement and thus could not satisfy the demands of reason, could not realize "the Idea" as the developing wholeness in history. For example, whereas with Hegel the civil service or bureaucracy is supposed to be a universal class, Marx contended that it is actually a self-perpetuating interest and thus an illusory state. For Marx, illusions of this kind reflect the radical cleavage between the state as a "heavenly universality" and actual civil society, the atomistic economic order which is based on labor and produces an "alienation" from actual life. This "alienation"—Marx uses the concept for the first time in this context—can be resolved only through democracy,

LOYD D. EASTON, *who here makes his first appearance in* COMMENTARY, *is professor of philosophy at Ohio Wesleyan University, and the author of* Hegel's First American Followers.

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"self-determination of the people," where the universal class becomes truly universal as the class of every citizen through unrestricted, universal suffrage. This end, Marx concludes, involves the dissolution of both civil society and the state, as it "transcends"—cancels but preserves in synthesis—the function of each taken separately. Such a synthesis, democracy, is the realization of "socialized man as a particular constitution," of "man's communist essence." It is at once the realization of Hegel's premises and the core of what Marx later called socialism and communism.

As Marx wrote further about socialism and subsequently delineated the "anatomy of civil society" in economics, his thinking continued to be informed by the view of democracy he had achieved in 1843. Hence *The Communist Manifesto* makes "winning the battle for democracy" the precondition of that "association" where public power is no longer political as a state separate from society. Still later, the principles of the Paris Commune are seen as involving a democratic "self-government of producers" through universal suffrage and an assembly representing communes and cooperatives. Finally, the transition to socalism, according to *Capital,* will take place as the cooperative movement spreads and corporations are increasingly controlled by their "associated producers" instead of by stockholders. So conceived, socialism fulfills actual developments within capitalism, realizing the liberalism in the Rights of Man and "the principles of 1789."

AVINERI'S IDENTIFICATION of Marx's central position with liberal democratic socialism, hardly distinguishable from John Dewey's "new individualism" or the perspective of "industrial democracy," is an appealing thesis and a welcome corrective to the view that Marx wanted "the state" to run everything or that he was preoccupied with conspiratorial seizure of state power to create a dictatorship. Yet in some respects Avineri oversimplifies and minimizes the ambivalences in Marx's political philosophy that have come to nurture opposing Marxisms. For example, Avineri's

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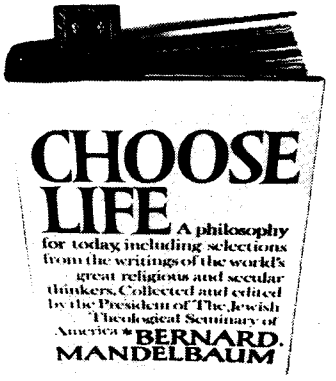
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claim that the *Manifesto* does "not include nationalization of industry as such" and assures "transcendence" of the state, is not only contradicted by his citation of a long passage in which Marx calls for centralizing "all capital, all instruments of production in the hands of the State," but also slights the decisive change that occurred in Marx's thinking on the role of the state in the period between the *Manifesto* and the Paris Commune. Buber's *Paths in Utopia* well indicates the "state centralism" in Marx that Avineri minimizes or neglects.

Further, Marx's endorsement of "despotic inroads" into property, "forcible overthrow," and pushing the bourgeoisie to violence, makes it difficult to dissociate his position, as Avineri tries to do, from the Blanquist *putschism* of the Communist League in the 1850's. Finally, it is difficult to maintain that Marx clearly stood for the realization of liberalism and the Rights of Man when he so often contemptuously dismissed such rights as deceptive baubles, mere ideological reflections of capitalist class interest. It should be borne in mind that Hegel also called for "transcendence" of individual rights nurtured in civil society but at the same time gave attention to the preservation of their substance in his defense of the rights of Quakers, of choice in employment, and of freedom of inquiry. In this respect Hegel was more unequivocally liberal than Marx.

Moreover, the overall unity that Avineri finds in Marx's philosophical premises—his first principles of knowledge, *praxis*, and history—in the end proves to be deceptive. Marx's own synthesis, as he shows, failed in its attempt to "combine eschatology and dialectics." Here, Avineri concludes, "the internal weakness of Marx's thought is most evident." The implications of Marx's theory—his view of history and society as expressing dialectical *praxis*—called for a proletarian political movement; yet, after 1852 Marx eschewed all political activity and devoted himself to "senseless," repeatedly falsified, predictions, under the spell of "the evangelical truth that the millennium was around the corner." But although Avineri points out this weakness, he is not sufficiently definite in analyzing it and in getting to its philosophical roots. A more precise analysis would have revealed that the "materialism" which Marx took from Feuerbach was essentially an empiricism—the derivation of concepts from perception—and that in Feuerbach this empiricism involved a social dimension and a dialectical relation of subject and object in *praxis* (though at the same time it asserted a commonsense realism about the independence of Nature, as Marx himself occasionally did). Marx's main objection to Feuerbach's empiricism was that it was not historical, i.e., did not involve that "historical development" which Marx saw, with Hegel, as dialectical and thus a rational necessity.

If Avineri is not sufficiently definite about Marx's views of knowledge, *praxis*, "materialism," and history, however, it is largely because Marx's own thinking on these matters was never fully coherent. His views on these subjects appeared in unfinished manuscripts, aphoristic theses, or prefatory suggestions about methodology. Throughout the 1850's and 60's his effort to fuse Hegel's dialectic of reason in history with Feuerbach's empiricism and *praxis* remained fundamentally ambiguous in its intention. Had he worked out the treatise on logic and dialectics he wanted to write but never did, the results might have been otherwise. As it is, Marx's philosophy, because of its incompleteness and ambiguity, remains fundamentally "open," and continues to pose basic problems for further philosophical reflection related to choices in action and practice.

Art & Politics

WRITERS AND PARTISANS: A HISTORY OF LITERARY RADICALISM IN AMERICA. By JAMES GILBERT. *John Wiley & Sons. 303 pp. $6.95.*

Reviewed by MICHAEL HARRINGTON

IN 1962, William Phillips analyzed his experience as an editor of

MICHAEL HARRINGTON's *most recent book is* Toward a Democratic Left.

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Partisan Review (the essay, "What Happened in the 30's," which originally appeared in COMMENTARY, is included in Phillips's recent collection, *A Sense of the Present*):

> It now looks as though a radical literature and a radical politics must be kept apart. For radical politics of the modern variety has really served as an antidote to literature. The moral hygiene, the puritanism, the benevolence, the rationalism—all the virtues that sprout on the Left work like a cure for the perverse and morbid idealism of the modern writer. If writing is to be thought of as radical it must be in a deeper sense, in the sense, not simply of cutting across the grain of contemporary life but also of reaching for the connections between the real and the forbidden and the fantastic.

In thus stating his disillusioned conclusions, Phillips summarized the experience of an entire generation. For as an editor of *Partisan Review* along with Philip Rahv (there were, of course, many others who shared in the direction of the magazine over the years, but Phillips and Rahv were central), he had led a brilliant struggle against the vulgar Marxism of the 30's. Yet he and many of his co-thinkers were eventually forced to give up their original hope that, after those who subordinated aesthetics to the party line of the moment had been routed, there would still be some viable relationship between the artistic and political vanguards.

I do not think that the antagonism between literature and radicalism which Phillips describes is as absolute as he makes it out to be; and in a sense he underrates his own achievement as well as that of his friends. But there is a substantial truth in what he says, and—more to the point—to have recognized that truth in the midst of the fierce factional battles of both the Left and the avant-garde was, and remains, an enduring accomplishment. That is why *Writers and Partisans* by James Gilbert is worthy of note. In chronicling and analyzing *Partisan Review* from its inception in the 30's to the years just after World War II, this book deals with one of the most significant, and catalytic, forces in American cultural life of the period.

GILBERT'S APPROACH is scholarly and probably too detailed and footnoted for the general reader. Yet *Writers and Partisans* contains a wealth of material which touches upon themes and arguments that are quite relevant today: the meaning of Bohemia; the autonomy of art; the social value of alienated, and even anti-social, spirits. It is in terms of these issues of the present and the future that I propose to deal with this account of *Partisan Review*'s role in the past.

Perhaps the most important point which Gilbert makes is that the American Bohemia was not one thing but at least three. The divisions were not so apparent before World War I, but they began to assert themselves in the 20's and provided an important basis for the fight between Phillips, Rahv, and company, and the Marxists in the 30's.

There were, first of all, the literary expatriates of the 20's who turned their backs on the Babbitry of their native land. Some of them made culture into an aristocratic realm which was far more important than politics and, in some cases, to be defended by force against the presumptuous masses. This attitude had, of course, a stunning European precedent in the post-1848 dandyism of Baudelaire with its frankly anti-democratic bias, but this trend had not, for a variety of reasons, been fully recognized in America. Secondly, there were those, like Van Wyck Brooks, who focused on America and its traditions, seeking a viable cultural heritage on this side of the Atlantic. And finally, there were those who sought to continue the traditions of the prewar Bohemia, uniting politics and literature.

ONE MIGHT quarrel with Gilbert's subdivisions and add, or refine, a category or two, yet the main point is compelling. The American Bohemia of the early 30's—which is where *Partisan Review* began—contained several tendencies with hostile potentials. I would add only one notion to this central idea. The fact that this diversity did not become obvious in the first part of the

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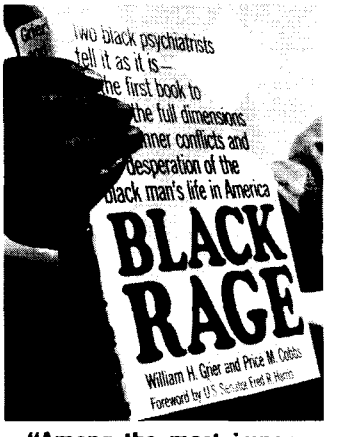

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century was due to a historical peculiarity of the period before World War I. In those days, Debsian socialism and progressivism were the dynamic forces on the political Left—and naturalism was the leading edge of artistic modernity. The writings of London, Dreiser, and Sinclair, the paintings of the Ashcan school, the revolutionary journalism of John Reed, sexual emancipation and socialist revolution, joined in a Bohemian united front. It seemed natural and inevitable that literature and radicalism would forever make common cause.

By the 20's, the prewar harmonies were already strained and cracking. In the 30's, there came intellectual civil war. *Partisan*'s role in this war was remarkable. The magazine started out with a sophisticated version of the social aesthetic and, in the course of bitter disputes with the official, and incredibly vulgar, Marxists of the Communist party, asserted the autonomy of art and the value of work created by conservatives and reactionaries. The magazine, Phillips said in his 1962 essay, was "for purity in politics and impurity in literature."

As early as 1937, Gilbert writes, "Both editors felt that it was wrong to make literature the vehicle for ideas that were politically expedient at the moment. Rather, literature should reflect what was permanent and new in proletarian culture. It should not merely promote the class struggle. Second, they argued that literary history must be preserved, even if it was largely the history of middle-class authors writing for middle-class audiences." This break from the *partinost* conception of art advocated by the Stalinists was of fundamental political importance. But in terms of critical theory, the defense of the value of literary history, even when it was dominated by the middle class, was of even greater significance. For that suggested a separation, if not yet an opposition, of art and politics. And it pointed toward the subversive proposition that political impurity might even have certain artistic advantages.

For the editors of *Partisan*, Gilbert comments, "The estrangement of the artist from society, his special psychological problems, the difficulty of living two lives, citizen and artist, became their chief concerns. . . . Practical politics and art were entirely divorced, but literature and politics in a philosophic sense, as a moral stance toward the social context, remained intimate." And as a result of this view, "Trotsky, isolated in Mexico but astoundingly aware and perceptive of problems in the Soviet Union, a brilliant social commentator, was a man to be admired, to be emulated, but perhaps not to be followed."

IN SHORTHAND, these Marxists had discovered the value of Baudelaire; the theorists who had begun with naturalist premises (they would have said proletarian) had learned to value the creativity of their alienated, sometimes anti-social, enemies. In so doing, they manifested remarkable perceptiveness and a generosity of spirit. But their doctrinaire opponents, whether they were advocating proletarian literature in the early 30's or a vaguer, more sentimental democratic literature in the days of the Popular Front, also had roots in the American Bohemian past.

"The accepted view of the 30's," William Phillips notes, "is that Marxist—or Communist—doctrine was grafted onto native radicalism. But what is usually overlooked is that American radicalism was of a very special kind. It was essentially populist, insular, anti-intellectual. . . . In effect, then, the radical movement in the 30's, particularly in the arts, got its accent from the more primitive, egalitarian, plain-speaking strains in American culture." In agreeing with this, I do not for a minute want to overlook the very special Communist contribution of introducing a murderous, fratricidal attitude into the Left (in Russia of the period, it was not an attitude but a purge). Yet the fact remains that there was an American Bohemian tradition which the literary commissars could use for their own purposes.

So the fight over the autonomy of art was not simply a function of politics in the tumultuous era of the Depression but had roots in the American past. And *Partisan*, to use a metaphor which it popularized, employed a "redskin" methodology to appreciate "paleface" genius. Yet there is a further irony

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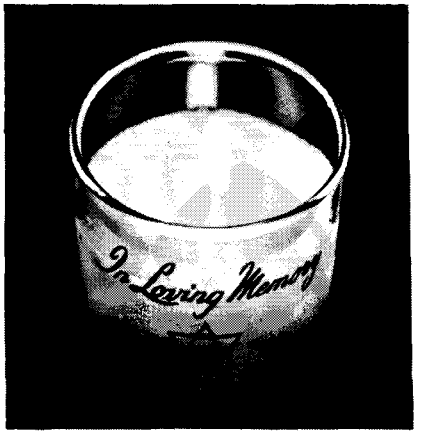
in this history. Gilbert rightly comments that most of those around *Partisan Review* admired, but did not follow, Trotsky. But he does not add that, had Trotsky's *Literature and Revolution* (which dated back to 1924 and contained essays written by the author when he was a Soviet leader) been widely available, it would have provided a brilliantly argued Marxist case for many, if not all, of the propositions which Phillips and Rahv defended.

"Marxism," Trotsky wrote, "does not at all 'incriminate' a poet with the thoughts and feelings which he expresses, but raises questions of a much more profound significance, namely, to which order of feelings does a given artistic work correspond in all its peculiarities?" And later, "Our Marxist conception of the objective social dependence and social utility of art, does not at all mean a desire to dominate art by means of decrees and orders. It is not true that we regard only that art as new and revolutionary which speaks of the worker, and it is nonsense to say that we demand that the poets should describe inevitably a factory chimney, or the uprising against capital." And most bluntly, "It is very true that one cannot always go to the principles of Marxism in deciding whether to reject or to accept a work of art. A work of art should in the first place be judged by its own law, that is, by the law of art."

Here, as in so many areas, Trotsky, that Marxist Renaissance man, had profound insights. Yet perhaps it was just as well that the editors of *Partisan Review* made their own way without the tutelage of the exiled genius in Mexico. For if their conclusions often paralleled Trotsky's, they evolved out of personal search and struggle, and they were defined in American terms.

Finally, a contemporary point. In *One Dimensional Man,* Herbert Marcuse, certainly an influential thinker these days, takes a position contradicting one of *Partisan's* central ideas. Previously, Marcuse argues, first-rank art contained a "Great Refusal" and this was basic to its humanity and its greatness. This corresponds to the idea of Phillips, Rahv, and others, that alienation can provoke aesthetic accomplishment (for that matter, Marx preferred Balzac, the Catholic monarchist, to Zola, the socialist fellow traveler). But now, Marcuse says, the omni-manipulative society has coopted even its marginal geniuses and lonely Bohemians. And therefore that profound social function which the *Partisan* writers accorded to art even as they denied its role as a political instrument is no more.

I disagree with Marcuse and, paradoxically, think that the essential rightness of the *Partisan* editors on this point shows that there still is a relationship—however dialectial and beyond the comprehension of political *apparats*—between radical art and politics. Marcuse is, of course, correct in saying that oppositionists are regularly commercialized, e.g., Bob Dylan and perhaps . . . Herbert Marcuse. But I think he underestimates the degree to which, in recent times, aesthetic revolt has been the precursor, not the tool, of political change. For it is precisely to the extent that society has made some democratic forums "one dimensional" and fraudulent that revolt, opposition, and refusal have manifested themselves in life-styles, literature, films, the plastic arts, etc. To that extent, *Partisan Review's* tense, complex view of the social function of a non-party art, created in part by alienation and even by reactionary individuals, is of great present moment.



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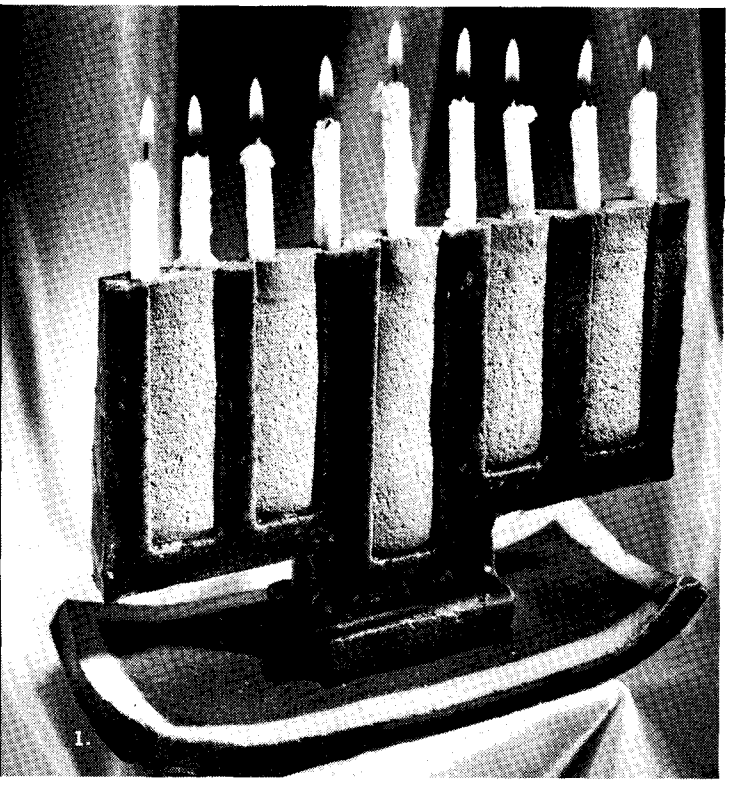

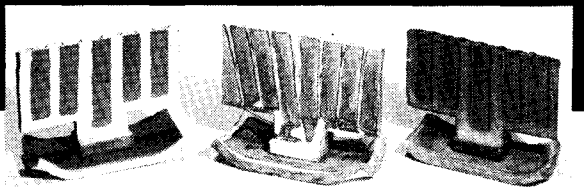

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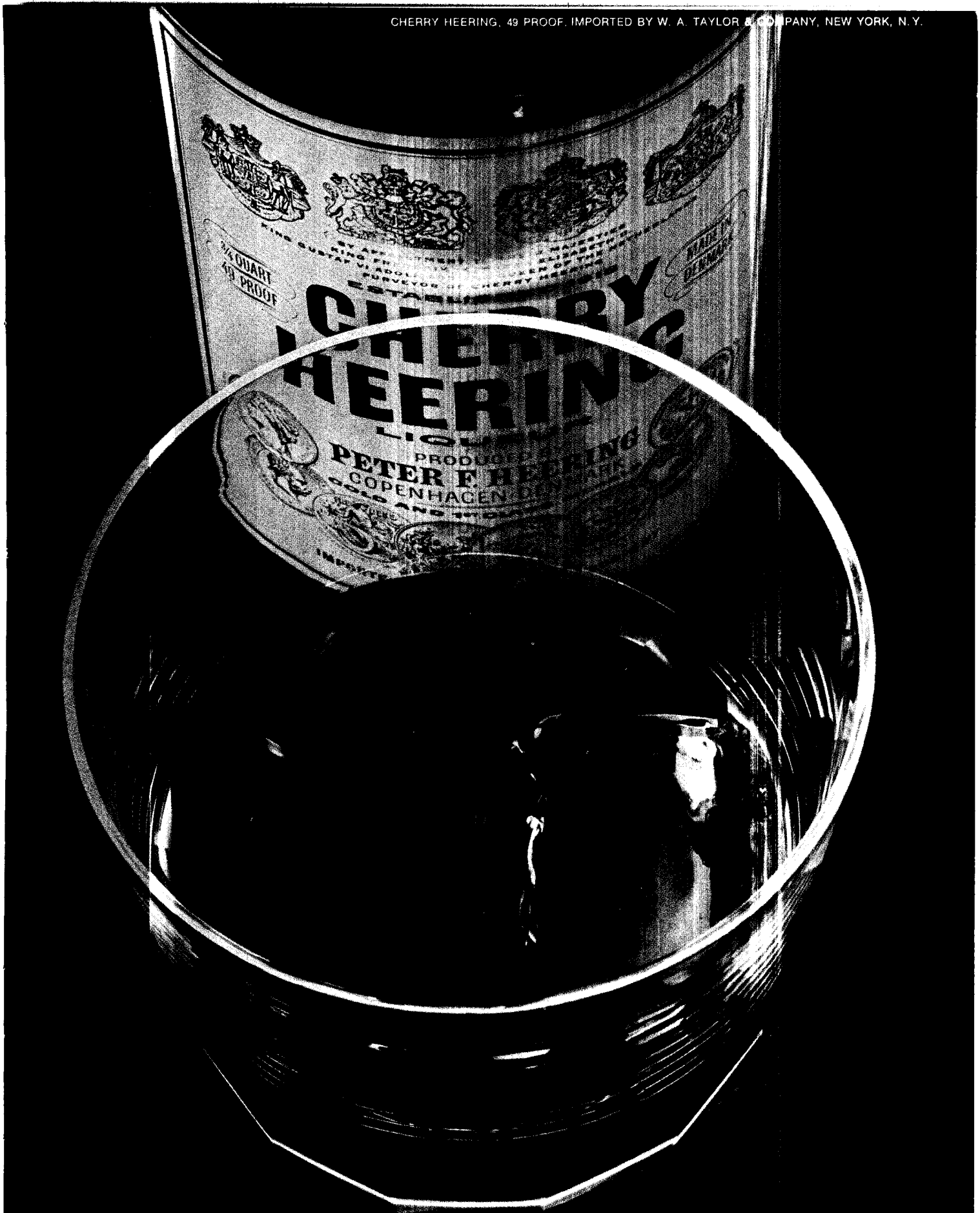

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